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Submission – Moreland Council

10-Year Strategy for Social and Affordable Housing

9 April 2021

Endorsed by resolution of Moreland Council 9 June 2021

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1. Executive Summary

- Social and affordable housing in Victoria needs a long-term commitment of funding. The promise of the Big Housing Build to increase social housing stock by at least 10% over four years is a welcome. However, generational underinvestment will not be addressed, or market failure reversed, by a marginal short-term boost.
- Moreland has a track record in investing its own land and financial resources into social and affordable housing development, including establishing Moreland Affordable Housing Ltd. With \$2.14 billion allocated for partnership-led developments, there should be support for grassroots and local government initiatives.
- Homes Victoria needs to foster a culture of diversity in representation both with existing residents /renters and to people and representative advocates who are currently not being serviced with social and affordable housing.
- The voluntary agreement system doesn't work. Local governments need mandatory Affordable Housing planning provisions
- Local government cannot be a partner in delivering affordable housing when it is operating without basic information what is planned and funded. Appropriate agreements for sharing information at officer level and with our communities will built capacity and trust.
- In the development of the strategy, Homes Victoria should look to clearly define the outcomes it means to achieve including what it means by "housing pathways" and how affordable housing, as distinct from social housing, will be delivered and managed.
- Council recommends an urgent renewal of guidelines for the sale, exchange and transfer of land and further reforms to the Local Government Act when this is completed.
- Despite the COVID-19 response Emergency Housing remains in crisis both in terms of gaps in supply and the provision of wraparound supports. This requires a priority focus in the strategy so that no-one is forced to sleep rough or to have to choose unsafe options to get shelter.
- While many new affordable homes are needed, there is an urgent need to make healthy and safe the existing, ageing, public housing stock. Both retrofitting and new builds present an opportunity for Homes Victoria to meet the obligations of the Climate Change Act 2017.
- Moreland needs up to 10,500 affordable dwellings by 2036. Based on our extensive research we consider delivery of 1000 new social homes planned within the life of the strategy and provided by 2036 to be a minimum commitment by Homes Victoria to the Moreland municipality.

2. Overview

Access to appropriate housing in locations close to services and social infrastructure is important, and the freedom to make choices about where you live is fundamental to creating a healthy, productive life. Victorian housing supply does not always reflect the needs of the community, and this has been recognised by all levels of government. Housing costs impact negatively on many in the community, affecting people with both rental and home ownership tenures. Furthermore, it has the most significant, socially determined impact for those on low incomes, those suffering disadvantage and people who are homeless, or at risk of becoming homeless. Council is committed to addressing these issues and notes that access to what the United Nations terms "adequate housing" is a basic human right for all¹.

From the early 1960's until the mid-1990s Victoria provided new social housing at an average rate of 1,100 units per year but in the decades since, growth has stalled while the population has increased rapidly, leaving Victoria with the lowest provision nationally and at the bottom of the table internationally of comparable economies internationally². We saw, from the late 1980s, a dominant belief in Commonwealth and state policy that the private rental market, supported by Commonwealth Rent Assistance and negative gearing, should provide homes for those on low incomes. The severe lack of private affordable rentals in nearly every corner of the state, and the high numbers of low-income

households in housing stress, can be properly characterised as market failure. This market failure makes government participation in the market appropriate.³

The promise of the Big Housing Build to increase social housing stock by at least 10% over four years is a welcome signal that the state government sees social and affordable housing as a core responsibility. However, the challenge remains that the generational underinvestment will not be addressed, or market failure reversed, by a marginal short-term boost. Social and affordable housing in Victoria needs a long-term commitment of funding. Our communities, with the support of their local governments, also need structural changes to ensure that what is invested delivers the best value, underpinned by the principles of fairness and inclusion. Finally, all speculative property developers should be required to contribute to the provision of social and affordable housing through the planning system, as they already do for other public infrastructure.

Council welcomes the process undertaken to date by Homes Victoria to engage with communities and organisations on the creation of a Ten-Year Strategy. While it is understood that you wish to complete the work before the end of this year, we would strongly encourage further targeted consultation as draft policy proposals for the strategy are developed. The questions raised and topics addressed in the discussion paper are, for the most part, general in nature. An opportunity to further contribute on the detail of proposals should strengthen the final strategy and allow stakeholders to see their part in its fulfillment.

3. The Moreland Context

3.1 Summary

The housing system is failing to provide enough safe, affordable and appropriate homes for our Moreland community. We have a higher than metropolitan average number of people who are unhoused, with no safe shelter to call their own. There were 770 people experiencing homelessness in Moreland in 2016 and this number is likely to have been and continue to be exacerbated by the impacts of COVID-19.

For many others, being in housing stress means that paying for housing comes at the cost of other necessities like nutritious food or transport. There are more than 9,900 households in Moreland in housing stress (15.3% of residents), of these the majority are lone person households and families with children. Housing stress has increased since COVID-19 with one third (34%) of respondents to the Moreland Covid-19 Secondary Impact Analysis survey experiencing heavy or moderate stress on finances from mortgage or rent within the next 6 months.

There is a significant gap between the supply and need of social housing and this will persist in the short to medium term despite welcome commitments made under the Big Housing Build project in November 2020 to invest in additional social housing across Victoria. There were an estimated 3,850 households with an unmet need for affordable housing in Moreland in 2016. Therefore, the affordability, supply and quality of private rental housing is a critical setting for looking at the health impacts for community members. 36% of homes in Moreland are rented. Younger people with insecure incomes and older people on government pensions are particularly vulnerable in the private rental market. In addition, an estimated 1,090 people in Moreland live in crowded or severely crowded dwellings, with over half being young people aged 20-29 years.

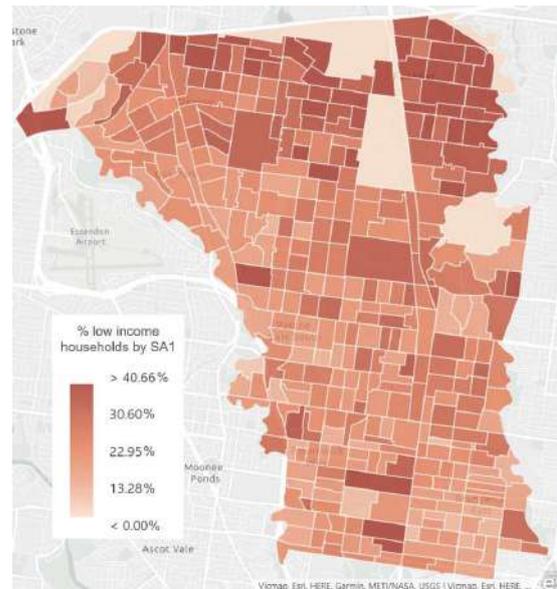
3.2 Detailed statistics of Moreland residents

Low Income households

Low-income households⁴ are defined as those with equivalised⁵ household income less than \$500 per week. This is the standard range closest to the bottom 25% of all households in Australia. In Moreland, 24.6% of households with stated incomes were classified as “low income”, which is slightly higher than in greater Melbourne (23.6% of households) and equates to approximately 13,600 households. Lone-person households and single-parent families are more likely to have low equivalised incomes than other household types (id consulting, Social Cohesion Monitoring Report 2019).

Low-income households by suburb

Suburb	Low-income households	% of all households
Glenroy	2,231	32%
Coburg	2,025	24%
Brunswick	1,797	20%
Fawkner	1,640	40%
Pascoe Vale	1,355	23%
Brunswick West	1,195	22%
Brunswick East	798	17%
Hadfield	662	36%
Coburg North	661	27%
Pascoe Vale South	625	20%
Oak Park	423	21%
Gowanbrae	157	18%
Moreland	13,570	24.6%
Greater Melbourne	-	23.6%



Source: Australian Bureau of Statistics population census 2016, Equivalised Total Household Income (weekly) by statistical area 1 (SA1). Map prepared in Power Bi by Moreland Research Team.

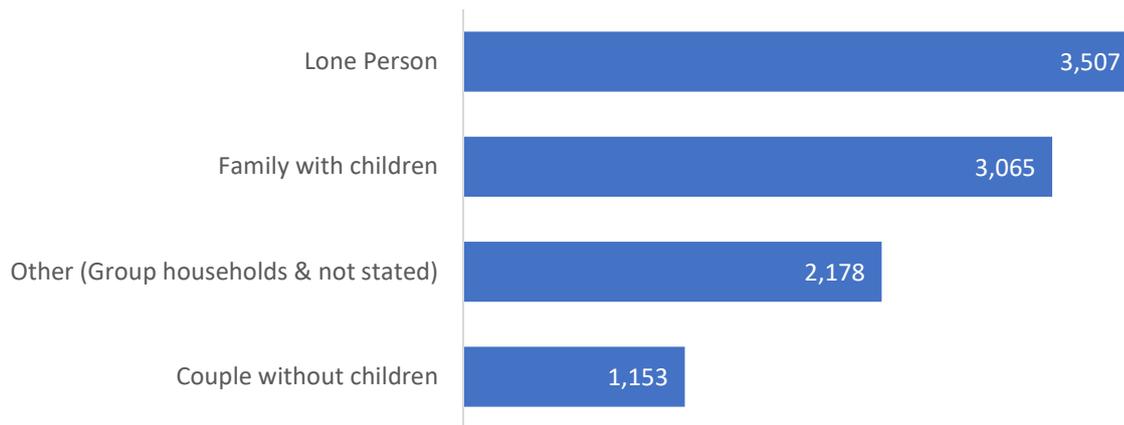
Households experiencing housing stress

Housing stress refers to households having trouble meeting their rent or mortgage payments. Generally, lower-income households spending more than 30% of income on housing costs is considered housing stress, or generally unaffordable.

Overall, more than 9,900 households in Moreland were in housing stress in 2016. The proportion of households in housing stress in Moreland is 15.3%.

Household Type	Households experiencing housing stress	% households experiencing housing stress
Lone person	3,507	35%
Family with children	3,065	31%
Other (Group household & not stated)	2,178	22%
Couple without children	1,153	12%
Total	9,903	100%

Households experiencing housing stress by household type

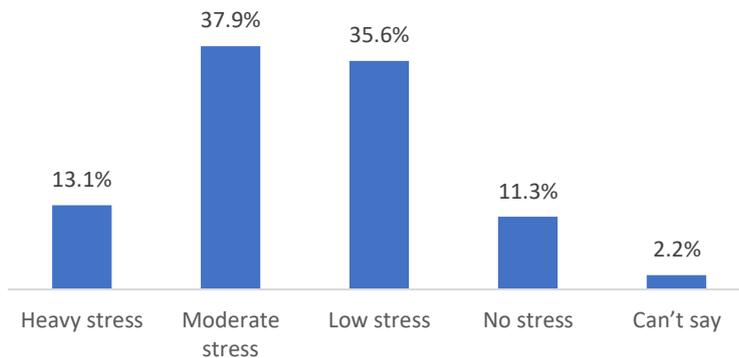


Source: A Home in Moreland Report, ID Consulting

People who experience stress around rental or housing payments

In 2017, over half (51%) of purchaser/renter households felt that the rental or housing payment places heavy (13%) or moderate (38%) stress on the household’s finances in an average month.

Self-reported experience of stress around rental or housing payments



Moreland City Council Household Survey 2019

3.3 Social housing in Moreland

2.5% of Moreland households are rented through public or community housing. This is below the Victorian average (3%) and the national average (4.2%). Between 1996 and 2016, the number of social housing dwellings grew by 237 while total population grew by 31,148. As of September 2020 there were 3914 local households on the Victorian Housing Register (Hume Moreland Area). This is 20% higher than state average.

In recent years, since the introduction of the Homes for Victorians policy and other initiatives which committed to increase social housing, is estimated that less than 50 new social housing homes have been delivered locally⁶. The redevelopment of Gronn Place in Brunswick West under the Public Housing Renewal Program will add 28 new public and community homes.

In 2017, the Victorian Auditor General report noted that 60% of the public housing stock in Victoria was over 35 years old⁷. A desktop assessment of identified social housing in Moreland would indicate that the

majority of social housing stock (90% of which is owned by Homes Victoria) is ageing, with many single homes, walk-up flats and the high-rise block in Brunswick being at least 50 years old.

3.4 Council investment

Council established a Housing Strategy Reserve in 1997-1998, following the forced sale of the Coburg and Brunswick electricity wholesaling businesses as part of the privatisation of the SEC (State Electricity Commission) in 1996-1997. A total of \$1.5 million was allocated to the Reserve to foster affordable housing. Up to 2014-15 it spent \$1,105,000 on housing projects, including \$941,000 on land purchase. This supported the development of four projects by community housing and charitable agencies in Coburg, Coburg North and Fawkner. These 22 homes all sit on council land under a long term (40 or 50 year) leasehold arrangement.

In 2018 Council established an arms-length entity, Moreland Affordable Housing Ltd (MAH) an effort to address the lack of secure and affordable housing options available to residents across Moreland. Using seed funding over 4 years of \$865,000 from the Moreland Housing Strategy Reserve, MAH is focused on developing Council-owned land sites for social and affordable housing developments.

4. Overall Responses to Discussion Paper

4.1 Putting people at the centre

Of the four principles that are set out in the Discussion Paper to underpin the strategy, *People at the Centre*, is the most welcome. It is perhaps also the most challenging for Homes Victoria to work with, as it represents a shift from a standard top-down approach to managing social housing; an approach which has led to poor outcomes in recent times. In 2010, the Family and Community Development Committee inquiry into the quality of service and workforce capacity of the Office of Housing noted: "Often staff do not have the qualifications or skills to respond to people with a diverse range of support needs"⁸. In 2017 the Victorian Ombudsman reported on an investigation into the management of end of tenancy maintenance claims that the DHHS was "failing to live up to its commitment as a 'social landlord' and wasting public resources."⁹ With regard to the operations of the public housing bureaucracy, the report went on to make the concerning finding that: "The information held by the department about public housing tenants, their tenancy history and property history, is disjointed, decentralised and cumbersome for staff to access and draw together". Council welcomes the opportunity for improvements to the existing culture within the former DHHS (now Homes Victoria) of poor responsiveness to residents' concerns, in particular at the local housing office level.

4.2 Maximising Value- investing in current social housing

Moreland notes, and strongly supports, the recommendation by Infrastructure Victoria in its draft 30 Year Plan for a program to renew public housing stock. The underlying land holdings are also precious public assets and should be retained in the control of public bodies to deliver social housing and other community infrastructure in the future.

As noted above, it is Council's understanding that a significant proportion of the 2200 socially-rented homes in Moreland are old and in poor condition. These homes typically contribute to poor health outcomes for residents (many of whom have chronic health issues) and inefficient land use outcomes for our communities.

There is an urgent need to renew and/or retrofit all old social housing (whether public or community housing) for thermal comfort, with associated health, utility cost and emissions saving benefits. The final report of the Moreland's Cooling Communities project concluded that 'with hot weather and heatwaves

set to become more common, occupant exposure to heat stress is likely to be exacerbated in the future unless urgent action is taken' to improve old dwellings¹⁰.

A state-backed large-scale retrofit program, to substantially improve the thermal performance of existing social housing properties, has the potential to quickly build the capacity of the business sector that delivers energy/building performance retrofits (a current constraint to improving the energy and emissions performance of Victoria's public and private homes). Scaling up the capacity and competitiveness of the retrofitting sector could be an engine for green skills and jobs growth over the coming decade in Victoria, aligned to local and state targets for net zero emissions. Such an investment is a core 'no regrets' climate adaptation action, justified on economic, wellbeing and environmental grounds.

In renewing public housing, Moreland's experience with the redevelopment of walk-up flats at Gronn Place in West Brunswick has shown how relocation to facilitate renewal can place additional strain on scarce social housing supply. Such relocation also has adverse impacts on residents, due to the disruption of strong social and mutual aid networks. The Olympia Housing Initiative, which has strong partnerships with Banyule Council, other community service organisations and, critically, residents, points the way to how Homes Victoria could approach this task in the future. A genuine commitment to co-design, which starts with sharing information on housing audits and plans, will maximise outcomes and would contrast with the piecemeal and inconsistent approaches we have seen in the past.

It is crucial that new social housing is designed and built to high standards that will deliver energy cost savings, personal comfort, health and overall wellbeing benefits for residents. Passive solar design including appropriate orientation, double glazed windows that can be easily opened and shut, and onsite solar should be typical of any new housing developments. Exempting affordable and social housing from strong ESD credentials is both short sighted and counter intuitive.

4.3 Responding to those who are unhoused- focus needed on emergency housing

At its meeting on 10 March 2021, Council resolved to add to Focus Area 4 (Responding to community members in housing crisis) of its Affordable Housing Action Plan and action to *monitor and advocate for emergency housing availability in Moreland*. The lack of supply of emergency housing options and the poor and often highly unsafe conditions in emergency accommodation that is available has been an ongoing concern for many years. The actions of the state government from March 2020 under the Hotel Emergency Response (HER) program was commendable, however there has been a growing concern since November 2020 that the situation for community members in urgent need of safe shelter would revert to the previous unsatisfactory conditions starkly illustrated in the 2018 report *Crisis in Crisis*¹¹.

Therefore, it was welcome to see the *From Homelessness to Home* initiative which specifically aims to help 625 people in the Hume Moreland area with a multi-agency "Housing First" model of support. However, the current lack of suitable accommodation for emergency remains. The new report from the North and West Homelessness Networks, *Crisis in Crisis- A Way Forward*, maps out proposals for systemic change in service delivery and funding models which can assist Homes Victoria and partner agencies in resetting a failing system. Council would like to particularly note its support for the following recommendations of the report:

- 6. That, as per the recommendations of *Crisis in Crisis*, Government invest significantly in the rapid construction of additional emergency accommodation, with integrated support that is appropriate to the needs of people experiencing chronic homelessness and associated trauma.
- 19. That the Department allocates a dedicated proportion of the recently announced Big Housing Build towards single-person households along with intensive support to trial the implementation of a Housing First model as part of this major housing infrastructure investment.

4.4 Distinction between social housing and other affordable housing

The discussion paper does not state how many affordable (but not social) housing dwellings will form part of the strategy. A Housing Needs Analysis undertaken by SGS Economics and Planning for the City of Melbourne in 2019 indicates that in 2016 the metropolitan Melbourne need for social and affordable housing was 231,000 households, and that demand for social and affordable housing represents 13% of all households in metropolitan Melbourne¹². This analysis finds that the demand for social and affordable housing will grow by an additional 107,000 over the next 20 years to 2036. It concludes that 338,000 social and affordable homes will be required in metropolitan Melbourne by 2036. 26%, or almost 88,000 households, of this demand will come from moderate income households.

The housing policy response in the discussion paper is framed on the premise of households moving up the housing continuum. However, this concept does not acknowledge the broader settings in the housing system, and the economy as a whole, that has seen both rent and purchase costs escalating much faster than incomes. This is a contraflow of households moving down the continuum which, on current economic indicators for wage stagnation, is likely to continue in the coming decade.

The AHURI Brief *Understanding the housing continuum* (2017) offers some useful guidance¹³:

The housing continuum concept directs policy makers to consider housing responses through the following dimensions:

- 1. policy makers consider housing responses for a diverse range of households, from people experiencing homelessness through to social housing tenants, first home buyers and beyond;*
- 2. policy makers consider a diverse range of responses for any one household over their lifetime. By considering the entire housing continuum, policymakers are better placed to respond to instability and sudden changes in a household's tenure. For example, a household at risk of homelessness might be best served by going into crisis accommodation temporarily, before attaining a rental bond loan to secure housing in the private rental market;*
- 3. the term recognises that there is an interconnectedness between different housing responses and that responses don't work in isolation. For example, a policy boost for first home buyers may increase house prices in a particular price range and reduce available properties for renters.*

Clearly the most urgent need is among those at the bottom of the housing continuum experiencing or at risk of homelessness. However, if action is not taken across the whole continuum the scale of need at the bottom of the continuum will continue to escalate faster than delivery of social housing.

Council has undertaken significant research to estimate the need for social and affordable housing currently (drawing on 2016 census figures) and projecting up to 2036¹⁴. The shortfall in affordable housing in Moreland was at least 4,000 in 2016. This shortfall will rise to between 7,000 and 10,500 by 2036. The shortfall needs to met by a range of government interventions including mandatory planning measures and direct government subsidy. However, as our research has starkly identified, it will continue to be those on the very low income quintile which require affordable housing, pointing to the need for 936 of the additional households would require social housing. Therefore we consider delivery of 1000 new social homes planned within the life of the strategy and provided by 2036 to be a minimum commitment by Homes Victoria to Moreland.

5 Focus Area 1 – Pathways

5.1 *What actions will enable people to access social housing, sustain their tenancies, and move between different housing options as their needs change?*

Working for a strong evidence base

While the discussion paper echoes public announcements over a number of years in relation to the existing public housing system not meeting the needs of residents and the public system as a whole, sector participants, academics and others in the public policy space have not been provided with detailed data and research to independently assess what the existing state of play is within the system. In the community housing sector we gain some insight through the performance reporting to the Victorian Housing Registrar. However, this is aggregated reporting of a limited range of performance measures. Within this data are some concerning trends such as the average annual rate for evictions at 7-8% of tenancies each year.

As sector participants we do not have a detailed picture of who is on the Victorian Housing Register, in particular who the applicants are in our local area.

Defining pathways

A recent research report from AHURI involving interviews with 76 social housing residents, *Understanding the experience of social housing pathways*, made several findings which demand close attention in the framing of the strategy¹⁵. These include:

- In practical terms, there are no feasible pathways out of social housing for many Tenants;
- Tenants' experiences of social housing procedures are frequently negative; and
- Pathways policies which consider social housing a 'stepping stone' do not align with tenants' understandings of the role and purpose of social housing

Council recommends that Homes Victoria work with stakeholders including current, prospective and former social housing residents to explore evidence and define the principles for housing pathways.

Providing information

It is critical that information about social and affordable housing and support to maintain tenancies is easily accessible and available to people who need it, in a format that works for them.

Council and community services working with young people in Moreland identified key factors in how information is provided:

- Flexible criteria for people to access social housing i.e. people with no income, people living with intellectual disabilities
- Access to relevant resources and services
- Education and provision to services/support, including therapy
- Ongoing case management support
- Housing operators to check in with households (community & social housing)
- Online system / app for easy access for people to track and update circumstances
- A more streamlined system
- Access to a key worker to check in (monthly) regarding tenancy, circumstances and support needs

These provisions would also in large part apply to other groups in the community. Improved communication between local government, housing services and other community services can help remove practical barriers to people in navigating the system,

Supporting seniors & CALD communities

People in insecure housing such as private rentals at risk of displacement are less likely to be connected into the aged services that they need to remain independent. According to the findings of the *Royal Commission into Aged Care Quality and Safety*, aged care programs should be integrated with affordable housing.

A better housing system will include opportunities for collaboration with cultural leaders to connect with communities and understand the issues. More than 1 in 5 older people (23%) in Moreland have poor or no spoken English. Older people need adequate and available information, delivered to them in their language in a way that suits them. Councils, community agencies and partners and Homes Victoria can collaborate to achieve this, for example we can hold in-person information sessions with older people, particularly in languages other than English (LOTE).

5.2 What are the most important features of affordable housing? (e.g. price, location, security of tenure, access to transport or daily amenities, connection to support services etc.)

20-minute neighbourhoods

Plan Melbourne envisages people “living locally” and having “the ability to meet most of their daily needs within a 20-minute return walk from home, with access to safe cycling and local transport options”. The 20 Minute Neighbourhood concept strongly aligns with the features of a city where we wish to see more affordable housing.

Build to Rent

As the National Rental Affordability Scheme sunsets new models for the private sector development and management of affordable housing are emerging. Local governments are grappling with these new models such as Build To Rent (also variations like Rent to Buy) in terms of accepting them as affordable housing contributions. This is because there is an absence of any consistent governance, monitoring and reporting framework at a state level which would support a desire to ensure affordable housing allocation is undertaken fairly and that the provision is delivered over time. Councils are not resourced to manage complex matters of allocation and assessment of compliance reporting. A framework for the management of Build to Rent homes which claim to be affordable housing is required. Given that registered housing providers already come under a monitoring and compliance regime through the Housing Registrar, a requirement that they manage any homes that meet the Planning and Environment Act definition of affordable housing is compelling.

Climate Change

It is noted that climate change or its current and future impacts are not specifically mentioned in the discussion paper. As required under the Climate Change Act, the DHHS produced a Health and Human Services Climate Change Adaptation Plan 2019-21 which includes some actions that are specifically relevant to decision being made about the location and quality of social and affordable housing:

Action 13: Analyse the cost of health impacts caused by climate change effects on Victorian housing.

Action 20: Incorporate climate change into policies, plans and processes and embed a response to climate change in operational procedures.

Action 21: Develop a climate change transition plan for public housing to achieve adaptation and emission reduction outcomes.

The strategy needs to integrate the imperative to address climate change into its across managing, renewing and new-builds across all social and affordable housing. For example, the proposal under action

20 above regarding operational procedures should be extended to include procurement across the supply chain and all social and affordable housing.

Under its Climate Emergency Action Plan, Moreland Council has committed to advocate for Victorian Government investment in the accelerated roll-out of thermal upgrades for public and community housing. We are partnering with other organisations including Aboriginal Housing Victoria to advocate for and provide targeted support for low income and vulnerable households to avoid ‘energy poverty’ and be more comfortable in their homes during extreme weather. Affordable housing should be both safe in terms of health outcome and have affordable energy options. Pending external co-funding, our ‘Cooling Communities’ initiative will have resulted in home upgrades (for thermal comfort and/or solar PV) for around 500 social housing or low-income households across Moreland by 2025. Local governments such as Moreland are ideal partners with Homes Victoria to take action in reducing social and low-income residents’ exposure to energy poverty and extreme weather events

Affordable Housing for seniors

The World Health Organisation says that the Elements of age-friendly city housing are¹⁶:

- Affordability: Lack of affordable housing options make it difficult for older people to downsize or move to more appropriate housing
- Affordable utility bills
- Suitable (accessible) housing design that meets their needs as they age
- Modification: ability to modify the home as needs change
- Affordable maintenance
- Access to affordable services and sufficient information on these services
- Community and family connections
- A range of housing stock options
- Safe and secure housing

In 2019, Moreland Council endorsed *Living and Ageing Well in Moreland: An age-friendly framework (LAWM)*¹⁷. The age-friendly cities framework identifies suitable housing as a key element of an age-friendly city.

5.3 What actions will support people to find and obtain an affordable home?

In addition to actions outlined under 4.1, Council and community services working with young people in Moreland identified key factors that will support people to find and obtain an affordable home (this could apply to all population cohorts):

- Access to housing support officers (case management)
- Advocate for raising payments such as JobSeeker and Commonwealth Rent Assistance
- Flexible home loan processes for people who are long-term renters with a strong rental history and struggling to afford a deposit.
- Accessing appropriate housing services (depending on catchment, such as access to VincentCare, Salvation Army etc.)
- Creating relationships with real-estate agents – reduce stigma
- Educating community regarding housing (workshop, YouTube links, online webinar etc.) – e.g. – private rental readiness workshops
- Developing a form specifying documents required for specific housing

6 Focus Area 2 – Communities

6.1 *What actions will strengthen social and affordable housing communities?*

To turn this question around, what are the conditions that enable residents' capacity to strengthen their communities being fully realised?

Council encourages Homes Victoria to foster a culture of diversity in representation both with existing residents /renters and to people and representative advocates who are currently not being serviced with social and affordable housing. While recognising that a peak organisations like the Victorian Public Tenants Association and advocacy through the Community Housing industry Association Victoria play a critical role in giving a voice to resident experiences, we have seen in recent years numerous community based and activist entities such as Save Public Housing, the Homeless Persons Union of Victoria (HPUV) and Renters and Housing Union Victoria (RAHU) bring a diversity of views to debates about housing policy. Moreland Council's actions in the housing policy space have benefitted from giving diverse voices of those with lived experience of social housing, marginal housing and being unhoused a 'seat at the table'. Participation from lived experience advocates through the Council to Homeless Persons and Launch Housing in forums with community and local stakeholders such as Victoria Police and trader associations has also proven to be beneficial in building trust and understanding.

Other actions which have been proposed though Council consultations include:

- Communal spaces such as gardens people can use and access
- Community buses that assist with transport directly to shopping areas
- Incentives and schemes such as rent control or longer-term leases
- Access to additional funding and programs (gaps in system)
- Community gardens / activities
- Making spaces within the community more appealing
- More buy in from the government and support
- All levels of politics to discuss housing as it is a human right and a necessity

7 Focus Area 3 – Growth

7.1 *What actions will enable and deliver growth in social housing?*

Mandatory Affordable Housing planning provisions

Consistent with its policy position for many years, the Moreland Affordable Housing Action Plan 2020/21 calls for the state government to include mandatory affordable housing contributions in the Victoria Planning Provisions (VPP)¹⁸.

Numerous councils have been advocating for a mandatory affordable housing mechanism in planning scheme for the past 20 years and over the past five years many Councils have undertaken significant evidence-based work regarding affordable housing demand and supply and what a planning mechanism could deliver.

In September 2019 the Planning mechanisms for affordable housing Ministerial Advisory Committee was charged with the task of identifying 'What does a larger social and affordable housing system look like in 10 years' time?' with the objective of the planning system enabling and facilitating the provision of social and affordable housing. The output of the Ministerial Advisory Committee has not been publicly released

and there is no information of the role of the planning system in meeting social, and more particularly affordable, housing need in the discussion paper.

Moreland City Council is well progressed in its strategic work to quantify what a viable affordable housing contribution would be. All that is required in a Victoria Planning Provision Affordable Housing Overlay so that we can seek authorisation for a planning scheme amendment.

Moreland's Affordable Housing strategic housing research is available on the links below:

[Supplying Homes in Moreland- SGS -2019](#)

[A Home in Moreland – id - 2018](#)

[Moreland Affordable Housing Provision- HillPDA- November 2021](#)

(Note: Not publicly available- for strategy design use only-link accessible through housingstrategy@homes.vic.gov.au account only)

Free up surplus land

Over many years the opportunity for investment in large parcels of land, primarily public car parks, has been suggested by the State Government and peak industry bodies. Moreland is committed to exploring the creation of additional value from its land assets such as car parks and has tasked a newly created arms-length entity, Moreland Affordable Housing Ltd, to consider the development potential of car park sites in Moreland. Council also continues to actively explore a number of catalyst projects within the Coburg Activity Centre that could drive investment in excess of \$1 billion.

However, projects and investment like these are significantly constrained by the current legislative framework. Procedures for the sale and transfer of land are guided by the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land 2009 (2009 Guideline) which elaborates on the legislative requirements contained in the Local Government Act 1989. The 2009 Guideline can no longer be considered "best practice" as the state has made significant improvements to its own disposal processes in getting best value for communities through the Victorian Government Land Use Policy and Guidelines 2017. Unlike the 2009 Guideline and earlier state guidelines which are anchored to a narrow definition of "highest and best use", the 2017 state guidelines are underpinned by four principles:

- Focus on achieving positive social, environmental and economic benefits,
- Intergenerational equity impacts,
- Whole-of-government perspective, and
- Engage and collaborate.

The 2009 Guideline is a 33 page detailed expansion of provisions in the old Act including case law. Given the changes both in state policy (not just in Land related policy but arising from Climate Change Act, Transport Integration Act, Planning & Environment Act, Plan Melbourne provisions etc), relying on these guidelines is both limiting in the scope of decision-making and appears to carry risk for the legal and political defensibility of decisions it may make.

In addition, unfortunately the recently revised Local Government Act 2020 has appeared to largely replicate much of the old Act's provisions in relation to the sale and lease of land and continues to prevent Local Government entering leases for more than 50 years. Significantly this prevents effective freehold arrangements which are far more suitable for attracting investment for larger projects. In forcing the hand of Local Government to sell land this can result in a preference to do nothing.

Council recommends an urgent renewal of guidelines for the sale, exchange and transfer of land and further reforms to the Local Government Act when this is completed.

7.2 What do we need to do to enable a well-functioning affordable housing system that provides rental and home ownership opportunities for those that need them?

Affordable Housing- need for distinct policy settings and targets

In Victoria, strategies to subsidise affordable housing that is not social housing are required to ensure that the social housing need does not continue to escalate. In any state Social and Affordable Housing Strategy, a key issue is what is the need for affordable, not just social housing, now and in the future and how is that need to be addressed.

Currently the housing market is not delivering rental or purchase housing at a price that a significant number of Victorians can afford. A key issue for the state strategy is, what is the role of the housing market in addressing this housing affordability crisis, and what is the role of the planning system? If the housing market is delivering housing at an increasingly disproportionate price relative to incomes, how can the planning system intervene for contributions to affordable housing?

Since the changes to the Planning and Environment Act in 2018, voluntary affordable housing contributions, which have delivered only a negligible number of affordable dwellings, have focused on sale of a proportion of the dwellings to a community housing provider at below market rate. Commonly the depth of the subsidy has been very shallow, with the subsidy being of quite low value. State government affordable (but not social) housing initiatives by Development Victoria have tended to focus on sale of dwellings at below market rate to eligible households, benefiting only the first occupants and doing little to support those in rental stress who are not able to service a mortgage even for a dwelling sold at below market rate.

In 2017 Homes for Victorians found the rental market is tight and rent has become less affordable. It documented that in 2017 only 7.6 per cent of new lettings in Melbourne were 'affordable' – compared to 30 per cent a decade ago.

There is a need for 88,000 affordable housing homes in metropolitan Melbourne over the life of the proposed state Social and Affordable Housing Strategy. This equates to 8,800 homes per year for 10 years. This need is concentrated in inner and middle ring municipalities. Housing essential workers in areas where there is the highest concentrations of jobs, has inter-related personal and societal intergenerational benefits.

8 Focus Area 4- Partnerships

8.1 How do we strengthen our partnership approach to build a stronger and more effective social and affordable housing system?

Invest in skills and capacity

Under Homes for Victorians the state government has been providing specific funding to the community housing sector to build its capacity both in the delivery of new homes and its operational management of social housing. For the local government sector to be an effective partner in the increase in social and affordable housing there is a need for resourcing and capacity-building to meet the challenge. Already

severely constrained financially by rate-capping, the Covid-19 Pandemic has left many local governments in a very tight spot. Social and affordable housing development is work that has complexity beyond 'normal' private development and needs more than occasional professional development workshops (welcome as they are).

One example of where this matters is in situations where the Minister rather than the local government is made the Responsible Authority for planning. Local governments are still expected to provide input into these planning decisions but do not receive any planning application fees which it would normally rely on to partially pay towards the cost of its highly qualified planning and other technical staff. Moreland has direct experience of this with the Public Housing Renewal Program. The redevelopment of Gronn Place in Brunswick West (now called Harvest Square) has involved many hundreds of hours of council staff time over four years with none of this being offset by the developer (DHHS, now Homes Victoria).

Innovation and diversity

The Big Housing Build promises \$2.14 billion to “pursue opportunities to partner with industry, community housing providers, local government and institutional investors to identify new projects that deliver homes across Victoria.” While the detail of what this looks like has not be elaborated yet, Council encourages Homes Victoria to take the opportunities to use these funds to innovate with approaches to the delivery and management of social and affordable housing and embed this commitment to innovation in its 10 Year strategy. In particular, Council notes with some concern in briefings from Homes Victoria that the registered community housing providers and their models of delivery is the “only game in town”. While government funds need to be carefully spent and risk carefully managed, there should be scope for experimentation and support for grassroots and local government initiatives.

9 Engagement

9.1 How can we be engaged as new initiatives are developed over the course of this strategy?

Local government needs to understand what is being planned and delivered. That means good information-sharing and early opportunities to collaborate and have meaningful input. It also requires strengthening inter-council coordination through the MAV and providing resourcing to the Inter-Council Affordable Housing Forum.

The establishment of a Social and Affordable Compact with Local Government is supported and needs to include:

- Data sharing and needs analysis
- A collaborative approach to planning matters
- A common approach to partnership opportunities
- Communication, information and co-design between Homes Victoria, local government and community members
- Best practice and place-appropriate community engagement
- Mitigation of impacts of relocation of social housing residents
- Prioritisation of housing projects

10 Contact details

If you need further information please feel free to contact Mike Collins, Principal Advisor, Social and Affordable Housing on 92402484 / mcollins@moreland.vic.gov.au

11 References

- ¹ United Nations Human Rights Office of the High Commissioner Special Rapporteur on the right to adequate housing, 2020 <https://www.ohchr.org/en/issues/housing/pages/housingindex.aspx>
- ² Professor Terry Burke, Quantifying the shortfall of social and affordable housing, Community Housing Federation of Australia, 2016. <https://chiavic.com.au/wp-content/uploads/2017/09/Housing-Shortfall.pdf>
- ³ Lucille Keen, Asset recycling not beyond the new Labor, Australian Financial Review, 2016 <https://www.afr.com/companies/infrastructure/asset-recycling-not-beyond-the-new-labor-20160413-go52y0>
- ⁴ Relationship between “low-income” and poverty: Low income definition used is not an indicator of poverty and there will be people on more than \$500 per week living in poverty as per the Henderson Poverty Line definition by [Melbourne Institute University of Melbourne](#).
- ⁵ Equivalised household income is a good measure of the resources available to a household. It adjusts total income to account for household size in terms of adults and children and puts all households on equal footing with a single person household of the same income (ID Consulting 2019).
- ⁶ Council’s has requested on a number of occasions to be given a running total of new social housing funded/or delivered in Moreland but has not been provided with this information by DHHS or its successor Homes Victoria.
- ⁷ VAGO, Managing Victoria’s Public Housing, 2017
- ⁸ Family and Community Development Committee, Parliament of Victoria, Inquiry into the Adequacy and Future of Public Housing in Victoria, 2010.
- ⁹ Victorian Ombudsman, Investigation into the management of maintenance claims against public housing tenants, 2017
- ¹⁰ Cooling Communities Final Report. Moreland Council and Moreland Energy Foundation, 2017 <https://morelandzerocarbon.org.au/wp-content/uploads/2017/11/Cooling-Communities-Final-Report-September-2017.pdf>
- ¹¹ North and West Homelessness Networks, Crisis in Crisis, 2019 <http://www.nwhn.net.au/Crisis-in-Crisis.aspx>
- ¹² SGS Economics and Planning, Housing Needs Analysis, 2019, https://participate.melbourne.vic.gov.au/download_file/6869/2058
- ¹³ AHURI, The Housing Continuum, 2017, <https://www.ahuri.edu.au/research/ahuri-briefs/understanding-the-housing-continuum#>
- ¹⁵ Flanagan, K., Levin, I., Tually, S., Varadharajan, M., Verdouw, J., Faulkner, D., Meltzer, A. and Vreugdenhil, A. (2020) *Understanding the experience of social housing pathways*, AHURI Final Report No. 324, <https://www.ahuri.edu.au/research/final-reports/324>
- ¹⁶ WHO Global Age-friendly Cities: A Guide, 2007
- ¹⁷ Living and Ageing Well in Moreland Framework <https://www.moreland.vic.gov.au/community-health/seniors/living-and-ageing-well-in-moreland-framework/>
- ¹⁸ Moreland Affordable Housing Action Plan 2020/21 <https://www.moreland.vic.gov.au/planning-building/strategic-plans/housing/affordable-housing/>

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Dear Anna

Submission to Better Regulation Victoria Planning and Building Process Review Discussion Paper

We thank you for the opportunity to provide comment on the recently released Planning and Building Process Review Discussion Paper, aimed at identifying practical and constructive means to streamline and improve planning and building processes throughout Victoria.

Enclosed is Moreland's response to the 27 points identified by the discussion paper. We have also taken this as an opportunity to express where other improvement opportunities may exist. From our perspective, this includes implementing a simpler planning and building system, more conducive to fewer hold points and where permit requirements contribute to better decisions or a sustainable net community benefit. Many of the repairs contained within the Discussion Paper present what we opine as a 'band aid' approach to a wider problems related to the need for legislative change, the drafting of the VPPs and triggers for planning approval. We note the reluctance to pursue changes to the Act to institute change or mandate requirements and would strongly encourage a reconsideration of this approach. By way of example, the need to influence better quality applications has been pursued by Council's through refinement of checklist to guide applicants and encouragement of pre-application meeting for many decades now. The reality of 50% (1 in 2) applications still requiring further information resulting in costly delays of an average of 3 months to each application would strongly suggest that the recommendations of numerous prior reviews recommending legislative change for codified or mandatory application requirements should now be taken-up by government.

The stated objective of this review is to identify opportunities to streamline planning and building processes to reduce delay and cost without compromising the public interest, by looking at root causes of the complexity and time taken in these statutory processes.

The Government press release of this review states that it is intended to be a comprehensive review of Victoria's building and planning approvals processes to remove red tape and streamline state and local government planning systems; aimed at removing delays and support the delivery of essential housing and infrastructure. It states that this comprehensive review will be the catalyst for much needed change in Victoria's planning system; it will reduce red tape to boost the capacity to deliver

the housing, business and infrastructure investment Victoria needs and strike the right balance between thorough scrutiny and efficiency in planning decision making.

This review provides the opportunity to identify the root causes of quite profound systemic issues in the Victorian planning system and recommend meaningful changes, based on quantified economic analysis of the value to the Victoria economy and boosted capacity to deliver housing, business and infrastructure investment for each of the recommendations. This has not come through in the analysis and recommendations of this review at this stage. A summary of the changes to the planning system which Moreland City Council officers believe could deliver the biggest improvements and time and cost savings follows.

Planning Scheme Amendment process

In respect to the planning scheme amendment process, a starting point for robust analysis would look at what proportion of planning scheme amendments give effect to Councils' strategic planning program; what proportion are minor, routine or administrative in nature; and what proportion have a proponent, where a land owner is seeking to alter the planning requirements for their site. It would also involve evidence-based analysis of how long each step in the statutory process is taking and where the timeframes within Ministerial Direction No 15 are not being complied with, what the causes are of the planning scheme amendment process hemorrhaging time. In this regard the suggested data collection on timeframes for each step in the planning scheme amendment process through the Amendment Tracking System is supported.

A review of the Planning Subscriber Update emails over the past 12 months reveals:

- Approximately 20% of planning scheme amendments are for minor, routine or administrative matters. These matters are not complex and have no implications for the Victorian economy or the capacity to deliver the housing, business and infrastructure investment Victoria needs.
- Approximately 60% of planning scheme amendments implement Councils strategic planning programs, where the Council is the proponent for the amendment. Any time delays between authorisation and adoption are primarily within Council's own control or influence. However, the experience of Moreland and most Councils is that there are very serious timeliness issues with the state government authorising preparation of amendments at the beginning of the process and the Minister or delegate of the Minister approving or refusing the amendment at the end of the process. A comprehensive review to streamline the planning scheme amendment process would include scrutiny and recommendations of the state government components of the planning scheme amendment process.
- Only around 20% of planning scheme amendments involve a land owner seeking to alter the planning requirements for their site. Most Councils progress these amendments through the statutory steps in a timely way most of the time. However, these amendments experience the same significant delays at DELWP and in the Minister's office at the beginning and end of the process as Council amendments. In a review where the primary focus is timely consideration of matters of importance to the Victorian economy, if the causes of these delays could be found for these amendments, they may be able to be resolved more broadly.

To illustrate this point:

Authorisation

- Moreland has sought authorisation to prepare 12 amendments over the past 2.5 years
- It has taken **14 weeks** on average for the Minister or Minister's delegate to make a decision
- In two thirds of these amendments this decision took 10 weeks or more
- In a quarter of these amendments this decision took more than 20 weeks
- The timeframe in Ministerial Direction No.15 is 10 business days (**2 weeks**).

Approval or refusal

- Moreland has adopted nine planning scheme amendments over the past 2.5 years
- Of the six where the Minister has made a final decision, they took an average of **41 weeks** for that decision to be made post adoption by Council and submission to the Minister.
- One amendment, where no decision has been made by the Minister yet, was submitted 74 weeks ago.
- One amendment involving a land owner proponent (i.e. there are implications of the timeliness of a decision on the construction sector) took 39 weeks for the Minister to approve the amendment
- The timeframe in Ministerial Direction No.15 is 40 business days (**6 weeks**).

Key steps in the Planning Scheme Amendment process



Authorisation and Approval are ‘checks and balances’ steps of the planning scheme amendment process. They are currently taking an average of more than a year (55 weeks) combined, which is typically as long as the five ‘doing’ steps in the process put together.

The recommendation to set a 30 day timeframe when DELWP seeks a further review of a request for authorisation of an amendment is therefore welcomed. It is also recommended that timeframes for Ministerial approval following Council adoption are set in a similar way. The recommendation to reduce the timeframe for the public release of a Panel report from 28 days (4 weeks) to 7 days (1 week), does not alter the timeframe for a Council to consider the Panel’s recommendations and adopt an amendment, as these are concurrent, rather than sequential processes. **The planning scheme amendment timeframes within Ministerial Direction No. 15 have no statutory weight and it is suggested that giving timeframes statutory weight would be a meaningful change to the Victorian planning system.**

Planning Permit Process

In respect to the planning permit process, a starting point for a robust analysis would look at PPARS, Housing Development Data and VCAT data and identify the number of applications state-wide and by subregion, in different application classes. It would analyse each class separately to develop an understanding of where the greatest time and cost inefficiencies are, make recommendations with proven bang for buck and seek to eliminate process steps where there are few matters which are genuinely in the public interest. The PIA livestream described this as ‘the size of the prize’. The only evidence-based assessment within this review of the value to the economy of the construction industry is done at a ‘whole sector’ level. Without breaking down the sector into sublevels and application types the root causes of systemic issues and delays within each sector cannot be understood.

An example is the multi-unit development planning application class. Significant attention is given to the apartment sector, but in all middle ring metropolitan municipalities, medium density planning applications outnumber apartment applications 60 to 1. Medium density matters also make up the majority of the VCAT Planning List.

Moreland is typical of middle ring municipalities. The Planning and Building systems are facilitating homes in Moreland for in the order of a 50% increase in household numbers over a 20-year period.

45% of these homes have been and will continue to be delivered in apartment developments, generally in buildings of 40-80 dwellings, approved by 5-10 planning applications per year. A commonly held misconception about housing development in Moreland is that it is all about

apartment development along the main road corridors of Brunswick. However, this is factually not the case.

65% of new homes have been and will continue to be delivered as medium density infill, delivered primarily as 2 or 3 dwelling on a lot projects, producing a net increase of 1 or 2 dwellings at a time. 75% of this development occurs in Moreland's northern suburbs and a third of it occurs in just one suburb; Glenroy. Middle ring municipalities like Moreland are processing in the order of 400 medium density applications per year.



Illustrative area of Glenroy showing the intensity of medium density infill development

It is submitted that this Review could go further to identify what the public **interest is in different application classes**. Further work could separately distinguish the role of each type in supporting the delivery of essential housing in order to answer the first principles question *'Are current processes a barrier to the capacity of the market to deliver the housing Victorians need and strike the right balance between thorough scrutiny and efficiency in planning decision making?'*

Moreland's in-depth evaluation of hundreds of medium density applications found that in the case of two dwelling medium density proposals the third-party processes caused delay while not resulting in any meaningful change to the outcome in applications where Rescode standards have been complied with. This has caused Council to consider alternative approaches which incentivise compliant applications with a more streamlined decision process. If supported by DELWP this alternative approach of incentivising well prepared and compliant applications with a streamlined assessment and time certainty would be a game changer for Moreland. Such an approach would significantly free up valuable resources to be directed to more complex, value adding proposals. The one size fits all approach to the planning process and the risk of delays associated with lengthy 6-9

month VCAT process, currently incentivises the development industry to pursue ambit claims for addition height or build in additional yield to account for the additional cost associated with the planning process.

Research by both AHURI and the Grattan Institute has been identifying for at least the past 10 years that medium density development can and should be codified to some degree. This has occurred in both New South Wales and Queensland.

Plan Melbourne Direction 2.4 acknowledges the role decision making processes play in facilitating housing. It states *'Developments allowing more than a single dwelling can also be subject to lengthy assessment processes and appeals even if they are in areas where change is envisaged. Contested applications generally arise where performance-based requirements exist instead of clearer, more prescriptive requirements. The uncertainty in the system needs to be reduced, particularly for development in areas defined for change and housing growth.'*

Plan Melbourne Implementation Plan Action 28 includes reviewing residential development provisions in the Victoria Planning Provisions to increase the supply of housing in established areas and streamlining the planning approvals process for developments in locations identified for housing change. It states that this will include reviewing the VicSmart provisions and establishing measures to develop a codified process for the approval of medium-density housing in identified locations. This is a medium-term action with indicative completion by the end of 2021.

This review positively identifies that the progress the state government has made towards this is for a non-subdividable, single storey second dwelling behind a retained existing house (a secondary dwelling). This review informs the reader of what the state government is doing in this space, and could be further enhanced by an assessment in this regard. The inclusion of how many applications for a non-subdividable, single storey second dwellings behind a retained existing house are currently received per year in Victoria and their contribution to the Plan Melbourne strategic priority to accommodate 70% of housing growth in established areas and what is their value in delivering the housing Victorians need is suggested.

We attach Moreland's Better Outcomes for Two Dwellings on a Lot review as an example of thorough evidenced based evaluation of a more straight forward process for fully compliant medium density development.

The cost to the local government sector to assess planning applications for medium density development is in the order of \$10 million per year (based on 18 Councils in the Inner and Middle Urban Group, each employing approximately 10 planners to process medium density applications, on a salary of approximately \$60,000 each). There is approximately a 30% cost recovery from planning fees, so the cost to the community (which includes all ratepayer landowners) is significant.

It would be unfortunate for any red tape process review of the Victorian planning system not to identify this as a significant issue or make any recommendations in this regard.

The Discussion Paper correctly identifies a systemic issue in the Request for Future Information (RFI) process. PPARS Annual reports indicate that further information is sought for more than half of all planning permit applications in metropolitan Melbourne. This points to three system issues: a lack of clarity about what constitutes a complete application; the poor quality of applications, particularly for medium density housing and to a lesser extent, potential over use of further information by Council Planning Departments.

Most Council have comprehensive checklists on their websites about the information required to be submitted with various application types. Most Councils also strongly encourage pre-application meetings and have structured processes to ensure high quality, accurate and comprehensive

feedback about issues that need to be addressed. It would appear that this advice is universally widely ignored by permit applicants.

The quality and completeness of planning permit applications has become a circular cat and mouse game between applicants and Council Planning Departments whereby a large proportion of applicants seek to submit as little information as possible, making the Council the 'bad guy' with their client, and Councils spending inordinate effort to negotiate receipt of sufficient information to assess an application, or improve the efficiency of the assessment by seeking improved quality information.

S47 of the *Planning and Environment Act* holds that a complete application comprises an application form and the prescribed fee. A game changing amendment to the Victorian planning system would be **far greater use of 'Application Requirements', preferably written into the VPP header provisions and a change to S47 of the Act to mandate that an application for planning permit must be accompanied by all information prescribed within the planning scheme.**

In past legislative reform, the government went as far as including a provision for the charging of a fee for the need to correct (\$50 amend an application) prior to public notice. However then fell short of giving effect to this change by prescribing a fee of \$0.00. The legislative change recognised the benefits to the system of well-prepared applications that did not require amendment and the opportunity now exists to incentivise the legislative intent by prescribing a fee greater than '0'.

It is further observed that the Victorian planning system is groaning under the weight of the number of minor matters requiring a planning permit. There has been widespread advocacy for **exempting compliant minor matters from the planning system** dating back as far as the Victorian Government's *Cutting the Red Tape Review* and the Development Assessment Forum *Leading Practice Model for Development Assessment in Australia*, both from 2005. This was Moreland's submission in the process that lead to the VicSmart stream and it is Moreland's submission still. If it can be codified it can be 'self-assessed' by a Building Surveyor issuing the Building Permit.

Once minor matters are removed from the planning system, it is our submission that there ought to be **three streams of assessment, based on complexity:**

1. Simple applications processed in a 30 day 'VicSmart Plus' stream with no notice and review. Simple applications would include two lot medium density development which complies with all numerical standards of the planning scheme.
2. Standard applications processed in a 60 day statutory timeframe with no changes to the existing process.
3. Complex applications processed in a 90 day statutory timeframe. PPARS data indicates that 43% of applications in metropolitan Melbourne are not processed in 60 days. Whilst there are of course a variety of reasons for this, a key issue is that it takes longer than 60 statutory days to negotiate an acceptable outcome for substantial new buildings. The current practice of applicant appealing against failure at the 60 day mark and then amending their plans at VCAT to address Council's concerns, is ultimately a time and resource inefficient process for the land owner, their consultants, Council and VCAT and does not accord with proper and orderly planning.

We commend the work of the Development Assessment Forum to this current review. <https://www.planning.org.au/policy/development-assessment-forum>

Other aspects of the planning system that we believe could deliver improvement to the efficiencies in planning and building across Victoria include the following:

- VCAT reviews process.

For smaller cases (eg; short case list or matters where expert witnesses are not required), remove the need for representation and attendance at the Tribunal, instead allow for written submissions only.

Review the need for Practice Days that are set down only to determine how a matter will proceed through a Hearing. In these instances, allow for the timing to be relied upon through the population of the relevant fields in the application for review and statement of grounds form by each party.

Review cases where experts should not be required. Experts create an intimidating environment for objectors. Justification should be provided to the Tribunal by parties relying on expert evidence on simple matters or applications that fall outside the major cases list. On more complex matters, multiple experts are called, which lengthens the hearing and adds to the expense of each party. A model should be investigated where one expert is called at the Tribunal discretion.

These incentives will contribute to a more accessible review system to all parties and reduce the cost burden – time and financial, on all parties. From a Council perspective, this enables resources to be invested into more efficient processing and determination of applications.

- Redefine the Planning Property Report System

Whilst the Planning Property Report System available on the LandVic website provides high level advice, there is an opportunity for further development of this tool to identify whether a proposed use or development would trigger a planning permit without the requirement for the community to contact council, via phone or in writing to establish allowable activities. This tool could be set up to operate in a similar manner to the questionnaire available on the AAV website - <http://www.aav.nrms.net.au/aavQuestion1.aspx>

- Further review of the Heritage Overlay provision removing the need for minor works. A definition for minor works will need to be established. Moreland has attempted to address this issue by introducing a *Heritage Exemptions Incorporated Plan* to provide greater exemptions for non-contributory properties subject to conditions. This plan forms part of Moreland Amendment C174.
- Native Vegetation removal and revegetation requirements. There remains a lack of certainty in the planning fraternity on the net gain policy, due largely to the lack of appropriate supporting decision-making guidelines. These controls are best managed by the Department of Sustainability & Environment – Flora and Fauna, personnel who are experienced in the correct assessment of vegetation type and net gain requirements. Council officers are not suitably equipped or trained in these areas.
- The Restrictive Covenants legislation introduced in 2000 requires revocation. It is an expensive process which contributes little to improving the planning system in Victoria. Ratepayers find the system complex, with uncertainty in the inconsistency between planning and building legislation where a private building surveyor can issue a building permit for a development which contravenes a covenant however where a planning permit is required for development and / or use of the land, Council is unable to grant the issue of a permit unless the development complies with the covenant or an application is made to vary the covenant. Furthermore, restrictive covenants are imposed by developers which can become increasingly difficult to comprehend and often involve costly legal interpretation. These matters are an obstacle to Victoria's planning system and were implemented without proper consultation between the State and Councils in 2000. Councils are not responsible for enforcing breaches to restrictive covenants and therefore should not be responsible for ensuring new development complies with restrictive covenants –

Restrictive Covenants should remain a civil matter between neighbours and the estate developer.

- Floodway Overlay, Special Building Overlay and Land Subject to Inundation Overlay provisions are in place to identify properties exposed to environmental risk. The critical assessment of these overlays is carried out by the relevant water authority, in the case of Moreland, Melbourne Water. Council’s scope for considering an application is bound primarily by the decision guidelines of the Overlay which essentially refer to the interests of the relevant drainage authority. Would it not suffice for properties subject to these controls to obtain consent from Melbourne Water that is then considered as part of the issuing of the building permit? There is no gain to catch these applications through the planning application process. Alternative the inclusion of the flood level and consent from the relevant authority as a mandatory application requirement would remove the delays associated with application entering the system without this critical information.

The following is our response to the 27 measures:

Measure	Moreland’s response and recommendations
Strategic Approvals Stage	
A1 – Simplify Planning Schemes	
<p>1. Extending the Smart Planning program to further improve planning schemes with a focus on:</p> <ul style="list-style-type: none"> • applying plain language drafting principles, including a contents page to enable users to find the sections relevant to their concerns; • revising the order of material in a planning scheme from ‘most used’ to ‘least used’ provisions to make it easier for users to navigate schemes and exit at the earliest point; • considering the way digital delivery may change how 	<p>Extending the Smart Planning Program is supported.</p> <p>Planning schemes are not intended to be read cover to cover. Users look at planning scheme maps then look at the clauses relevant to their site, so the ordering of clauses is unimportant.</p> <p>It is considered that the most significant enhancement that could be made to the planning system via smart planning would be to develop smart computing which could enable a user to identify the planning permit triggers applicable to a proposal on their land together with the application (information requirements) to be submitted with such an application. Such an enhancement would free up an unimaginable amount of resources throughout the industry, reduce risk of error for all parties and significantly improve the cost and delays recognised in other parts of this review related to poorly prepared applications and further information requests.</p> <p>It is observed that such enhancements are flagged for later stages of the smart planning program however in recognition of the wholesale benefits it is strongly recommended that this work be prioritised much more highly and accelerated</p> <p>Planning schemes do have a contents page.</p> <p>https://planning-schemes.delwp.vic.gov.au/schemes/moreland</p>

<p>planning schemes are set out and how they can be searched;</p> <ul style="list-style-type: none"> • providing clear information up front about who will decide the application’s outcome; and • continuing the translation of planning schemes into the integrated planning policy framework. 	
<p>2. Consolidating planning scheme requirements, principles or rules that serve similar purposes (while allowing for local variation).</p>	<p>This recommendation is supported.</p>
<p>3. Faster policy resolution for emerging planning issues to ensure a consistent statewide approach with clear and appropriate frameworks for local council variation.</p>	<p>This recommendation is strongly supported.</p> <p>There are many issues that would benefit from a consistent state-wide approach; housing and affordable housing and ESD are amongst the issues where state leadership can be taken to remove the duplicated effort across multiple Councils who are leading the way on many of these issues.</p> <p>Moreland’s housing demand and housing supply evidence-based analysis is attached as an example of the type of work which ought to be being lead state-wide.</p>
<p>4. Councils working within their regions and across Victoria to harmonise their planning policies, where possible. Recent efforts through the Planning in the Economic Growth Zone (PEGZ)</p>	<p>If numerous Councils are developing local requirements, all tackling the same issue, it points to a gap in state planning content.</p> <p>Moreland proactively collaborates with our neighbours, within our region and across metropolitan Melbourne on matters of shared interest.</p> <p>The discussion on page 40 correctly identifies ongoing opportunities for the state government’s Smart Planning program to apply system wide consistency where local differences are having a demonstrated impact on economic efficiency.</p>

<p>program in the Latrobe Valley have shown the benefits of this collaborative approach at a regional level (see Box A1.1). The proposal in Section B4 to create regional planning hubs to support non-metropolitan councils' strategic and statutory planning functions would complement this collaborative approach.</p>	<p>DELWP also has an important role in developing state or regional planning guidance to tackle network or catchment issues which cross municipal boundaries. Waterways, airport impacts and pipelines are such issues.</p>
<p>A2 – Streamline Planning Scheme Amendments</p>	

<p>Authorisation</p> <p>5. Councils could be provided with a final response within 30 days of DELWP initiating a further review of an authorisation request.</p>	<p>The recommendation to set a 30-day timeframe when DELWP seeks a further review of a request for authorisation of an amendment is strongly supported. It is also recommended that timeframes for Ministerial approval following Council adoption are set in a similar way.</p> <p>We strongly support greater accountability against timeframes.</p> <p>The timeframes within Ministerial Direction No. 15 have no statutory weight and this review does not make any recommendation to alter this. It is therefore unclear how these recommendations could be argued to meet the review purpose to reduce delay and cost.</p>
<p>Notification</p> <p>6. DELWP’s notice templates should be rewritten in plain English (supplemented by technical language where required under legislation) and include images to show examples of what sort of changes a community can expect to see under the amended scheme, modelled on the VPA’s approach.</p>	<p>The purpose of the notice of a planning scheme amendment is discussed by Justice Stuart Morris QC in his decision as VCAT President <i>Freeman v Knox CC</i> [2007] VCAT 414.</p> <p>He said:</p> <p><i>‘I would regard the notice as including a brief description of the effect of the amendment. The notice tells the reader what the amendment is about and which land is affected by the amendment. The purpose of such a notice is not to explain the amendment: this is to be done by the explanatory statement. Rather the purpose of the notice is to alert a person to the existence of the proposed amendment so that the person can choose whether or not to take the next step to participate in the planning process. The next step in this regard is to examine the explanatory report and the amendment.</i></p> <p><i>It is significant that the description of the effect of the amendment which is required by the regulations is a “brief” description. The requirement has been deliberately expressed in this language in order to promote clarity and convenience. Clarity is promoted by a brief description because lengthy text often acts as a disincentive to commence to read. Convenience is promoted by a brief description because it is quicker to prepare and easier to publish. It is relevant that the purpose of a notice of preparation of amendment is that it be given to various persons, including by way of a newspaper advertisement, to alert them to the amendment. It would be inconvenient if a lengthy exposition was required to satisfy the requirement to provide a “brief” description of the amendment.’</i></p> <p>In addition to the Explanatory Report, which is a technical document, like the VPA, most Councils put together plain English, illustrative information sheets, which are posted out with the notice and uploaded onto Council’s website. We attach examples of such information sheets from 4 recent and current Moreland amendments.</p>

<p>Decisions on submissions</p> <p>7. In cases where it is clear that there will be unresolvable issues, the recommendation to proceed to a panel hearing should occur at the earliest opportunity (noting that Ministerial Direction No.15 requires councils to request a panel if necessary within 40 business days of the close of submissions).</p>	<p>The review report does not contain any data about how long this step is taking at present.</p> <p>At Moreland, and most Councils, submissions are reported to Council for a Council resolution and position at Panel. Council meetings are held monthly, and the agenda is finalised several weeks prior to the meeting. It typically takes 6-8 weeks from the close of submissions to Council resolution, simply because of Council reporting timelines.</p> <p>Since the Ministerial Direction was written, the procedure has altered to require that Panel Hearing dates are pre-set prior to Exhibition of an amendment, as such Council's reporting cycle does not impact on the timeliness of a Panel Hearing.</p>
<p>Panel review</p> <p>8. Panel reports should only be embargoed by councils for seven days (rather than 28).</p>	<p>The Practice of most Councils is that they do not receive a Panel Report and do nothing for 28 days.</p> <p>In those 28 days, officers digest recommendations, seek external advice if necessary and brief Councillors before the document is made public. At the time it is made public, constituents contact Councillors, who need to be briefed on the recommendations and the options to respond to the recommendations before this occurs.</p> <p>In the case of a recent Moreland Panel Report, as Council's Strategic Planners reviewed the Panel report several inconsistencies and errors were identified and the Panel was required to rectify these problems; twice. Further errors were found by VCAT and the Panel Report needed to be revised for a third time. It is prudent that this occurred prior to public release of the report.</p> <p>In the overall timeframe of the planning scheme amendment process, this 28 days is not the issue. As discussed in detail above, authorisation and approval steps are the main time eaters. In Moreland's experience Councils keep amendments moving in a timely way generally as per the Ministerial Direction timeframes.</p> <p>During these 28 days Council Planners start drafting the Council report for consideration of the Panel recommendations and adoption or abandonment of an amendment to be added to the Council reporting cycle. These are concurrent, rather than sequential steps.</p> <p>Reducing the timeframe for the public release of a Panel report does not alter the timeframe for a Council decision to adopt or abandon an amendment.</p>

<p>Multiple amendments</p> <p>9. The number of administrative and simple amendments could be reduced by having councils and DELWP group non-urgent matters into periodic omnibus amendments.</p>	<p>Administrative and simple amendments have no implications for the Victorian economy or the capacity to deliver the housing, business and infrastructure investment Victoria needs. This recommendation is supported on the basis that it would free up officer time to more efficiently manage the more important and complex amendments.</p>
<p>Reasons for decisions</p> <p>10. Councils should be required to make a formal decision with reasons when deciding to abandon or not exhibit a proponent's amendment. This would ensure that both the proponent and the Minister for Planning are better informed if a proponent seeks the Minister's intervention on an abandoned amendment.</p>	<p>This recommendation is supported and requires a change to the <i>Planning and Environment Act</i> to implement. It is highlighted that Moreland livestreams its Council meetings, with the livestream remaining on Council's website for 12 months after the meeting, so all discussion about the Council's decision is fully public.</p> <p>For governance transparency, the Minister should also be required to provide grounds / give reasons for a decision to refuse or alter the amendment adopted by the Planning Authority.</p>
<p>A3 – Streamline the PSP Process</p>	<p>N/A</p>
<p>A4 – Escalate planning for sites of strategic importance</p>	<p>N/A</p>
<p>Permit Approvals Stage</p>	
<p>B1 – More help with applications</p>	<p>Moreland has employed a concierge model for economic development projects and will review the success of this change. Part of this review will include whether the additional time and resources dedicated to the provision of building pre-lodgement advice is converting into more building permit applications lodgement and that Council time and resources are not be expended on applicants who receive free pre-application advice only to then lodge with a private building surveyor. The benefits of a concierge service are recognised and supported for commercial applications which can be lodged and processed concurrently.</p>

The expansion of the concierge model to other applications required fundamental changes by the development industry before the same benefits might be realised. We can see that some application of a concierge model may be possible with single dwelling or dwelling extension applications triggered only by a heritage requirement being lodged and processed simultaneously with a Part 5 Building report and consent application. To achieve this the developer would need to have commissioned a building surveyor and prepared building plans at the planning stage which is rarely the case. The cost of building construction plans is often deferred given that the planning process may result in a need to vary the plans in response to objector concerns raised during the process.

The recommendation therefore requires further analysis with the development industry to gauge the likelihood of this change in development industry operations to commission building plans early.

To increase the success of pre-application meetings consideration could be given to be mandating the process with an adjustment to planning fees to support Councils resourcing this process. Whilst it remains optional, we are finding that many applicants rely upon the Section 54 process to resolve outstanding issues thereby transferring the costs and responsibility for delays to Councils.

A best-practice model developed through a Planning Practice Note may assist some councils that lack procedures and processes for pre-application meetings. Moreland has longstanding and robust on-line procedures for pre-application meetings and will obligingly share this with the Committee if this would assist. The proposed improvements suggest the introduction of clear user-friendly requirements to accompany planning applications. Councils have used adaptations of forms and website documents to assist applicants to prepare quality and complete applications. In most instances, the uptake in the use of these documents is low and it does not address the shortcomings in planning applications.

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Moreland has carried out a comprehensive review of its pre-application process in recent years which established that in the majority of a sample of new applications that followed a pre-application meeting, applicants would not follow the advice arising from pre-application meetings or accompany the application with all information detailed in written correspondence provided to the applicant following the pre-application meeting. Moreland has since

	<p>introduced application fees for select pre-application meetings and restructured the written advice format following pre-application meetings. A further review of the pre-application process has yet to be carried out to determine the benefits of this approach and the impact that charging for pre-application meetings has had on the frequency and success of pre-application meetings.</p>
<p>B2 – Ensure lodged applications are complete</p>	<p>The existing planning system is not sufficiently clear, nor does it mandate application requirements to enable the Council to receive complete applications in all circumstances. These ‘council variations’ would need to be resolved through a pre-application meeting process and the digital on-line system would need to provide certainty and ease in which to lodge a ‘complete’ applications in these instances.</p> <p>Changes to VPP for application requirements to be clearly mandated for different permit triggers and to the P & E Act to mandate that applications can be rejected were those application requirements in the scheme have not been met are needed to the effect real transformative change sought by this review.</p> <p>We therefore concur with an approach that revisits the existing VPPs to provide clarity, consistency and relevance on application requirements.</p> <p>To improve the quality of lodge applications, requires legislative change to Section 47 of the Planning and Environment Act. Currently a complete application is an application form and payment of the fee. This legislative change would allow mandatory information. Importantly in <i>ML Design v Boroondara CC (Red Dot)</i> [2005] VCAT 2088 (10 October 2005), noted</p> <p><i>“... Therefore it is the date upon which a completed application form is lodged containing all the information required by regulation 15 and which meets the requirements of section 48(1) (if relevant) that is the date upon which the application for permit is received.</i></p> <p><i>If the permit application is not accompanied by all the accompanying information required by the rest of section 47, this does not mean that an application has not been received, although it may mean that the application is not complete and cannot be determined until the information is provided.^[6] In fact, it is common practice for responsible authorities to include a requirement for any missing accompanying information as part of a requirement for more information under section 54.</i></p> <p><i>There are now detailed provisions in the Act providing that if a requirement for more information is not fully complied with by a specified lapse date, the permit application will lapse.^[7]</i></p>

	<p><u>Section 78(b)</u> enables a permit applicant to apply for a review of any requirement for more information.</p>
<p>B3 – Move to online processing and tracking</p>	<p>Moreland currently operates in a digitised environment and supports the Committee’s recommendation that all Councils should progress to a digital platform for planning.</p> <p>An expansion to SPEAR to enable consistent state-wide process and accurate reporting of the statutory timeframes by all Council’s together with application tracking would be supported, however it is recognised with the lack of State leadership, Councils have now moved on and invested heavily on a range of their own systems.</p>
<p>B4 – Improve planning resources for councils</p>	<p>Moreland supports the establishment and growth of ‘planning hubs’ throughout Victoria with the opportunity to draw upon and share skilled resources between Councils, both at a metropolitan and regional level, and potentially between the regions.</p>
<p>B5 – Modernise public advertising of proposals</p>	<p>Moreland also supports the modernisation of public notices processes, noting the need for legislative change to facilitate this. The submissions to and recommendations of the review of the <i>Planning & Environment Act</i> should be revisited and progressed in this regard.</p> <p>Through the Virtual Moreland project, Council is currently implementing the use of a QR codes on public notices so people passing the site can use this app to view 3D virtual images and plans of the proposal. This process is a simple and efficient tool for viewing the application plans by anyone owning a Smart Phone or device. This tool has evolved beyond the need to include the display of 3D elevations of the proposal on the signage board as suggested by proposed Recommendation 32, while also ensuring that only the most recent versions of plans are viewed, avoiding any misleading information.</p> <p>The current legislation requires changes in accordance with prior submissions and findings of the review of <i>the Planning & Environment Act</i> that have not been progressed by Government. Greater flexibility is needed so that notices need only be mailed to those impacted rather than to every surrounding property. For example, if the works are only to one side of the property currently all surrounding properties must be notified. Similarly, if the works are within a parkland or broader acres site all surrounding properties must be notified, often at significant cost whether directly impacted or not.</p> <p>State leadership could also modernise the public notice form to prescribed more meaningful information and require the notice to clearly set only those matters that are open to third party objection and review (e.g. heritage only) rather than each Council needing to adapt its forms in attempt to address these matters. Objections on</p>

	<p>matters not able to be reviewed at VCAT are a longstanding frustration for all parties that should be resolved by legislative change.</p> <p>The Act should also be changed to provide that the statutory clock should stop during the period of public notice through to the closure of the time for objection closes. Current case law disadvantages Council's in counting statutory days whilst assessment cannot be finalised before all objector views are received and considered. The lack of clarity and unfairness of the case law results differing calculations of statutory days by Councils which can be addressed to improved clarity in the legislation.</p>
<p>B6 – Stream applications according to risk</p>	<p>As detailed above, whilst there is validity in this measure and the proposed improvements, we don't feel it addresses the core issue of implementing an improvement to the planning system. If the application is considered low risk, potentially there is a case to review whether planning approval should be required for the project.</p> <p>Streamlining the assessment of second dwellings on a lot and dwelling applications on a small lot in an established area has benefit though will remain limited to the quality of the application received and the resources available. Moreland has carried out significant background research on the streamlining of applications for second dwelling which was submitted for authorisation to DELWP earlier this year and is awaiting Ministerial Authorisation. We would be happy to share this with the Better Regulation Committee.</p> <p>For more information see introductory remarks regarding Moreland's Better Outcomes for Two Dwellings on a Lot review.</p>
<p>B7 – Reduce requests for further information</p>	<p>We do not believe that the necessary transformative change required to influence a reduction of the 50% of further information requests will be delivered from a Planning Practice Note, as referred to in Recommendation 41.</p> <p>It is submitted that while some poorly resourced rural Council's may benefit from DELWP support with guidance material, the use of guidance material currently exists across the majority of Council's and yet more than 50% of applications still require further information. This points to the fact that greater incentive is needed to influence better prepared application and reduce the 3+ months of lost time and resource burden of further information requests.</p> <p>Concern is therefore raised that in DELWP dedicating resources to standardise lodgement guidance material for applications, the opportunity to make transformative change by legislating mandatory application requirements beyond the application form only (as established by VCAT case law) will be lost. The need for a planning application to be treated with the same seriousness as a tax return in order to achieve better prepared applications has been well</p>

	<p>established through numerous reviews to improve the planning systems dating for almost two decades. These include 'The Whitney Report, Better Decisions Faster, Streamlining the Victoria Planning System and the Review of the <i>Planning & Environment Act</i> discussion paper. Government leadership is well overdue in actioning these consistent findings if transformative change is to be made to the planning system to reduce the time delays and administrative burden that is currently associated with poorly prepared applications.</p> <p>Ensuring better prepared applications could be further incentivised through the charging of a fee should further information be required. A fee would not only incentivise early pre-application discussion and resolution of information prior to lodgement but would reward those applicants who treat the application process with greater seriousness and supply a completed application. Currently well-prepared applications are disadvantaged by the time and resources that planning officers need to dedicate to further information request for other larger number of poorly prepared applications.</p> <p>In past legislative reform the government went as far as including provision for the charging of a fee for the need to correct (\$50 amendment) an application prior to public notice however then fell short of giving effect to this change by prescribing a fee of \$0.00. The legislative change recognised the benefits to the system of well-prepared applications that did not require amendment and the opportunity now exists through this review to incentivise the legislative intent by prescribing a fee greater than '0'.</p> <p>The recommendation to pause rather than reset the clock if further information is required is strongly opposed in further diluting the only incentive that currently exists to influence better prepared applications. There is also potential to review the lapsing provisions within the legislation, where standard timeframes are set with no ability to extend the time. This could incentivise the lodging of a complete application.</p>
<p>B8 – Reduce response times for referrals</p>	<p>Moreland has established agreements with a number of referral authorities in relation to subdivisions up to and including 10 lots where standard conditions are applied in lieu of a referral. We have found other authorities are more cautious in being removed from the planning referral process.</p> <p>We would strongly encourage State auditing and reporting of referral response times to increase accountability and transparency of performance.</p> <p>Three further recommendations are made in respect to streamlining the management of referrals:</p>

	<ul style="list-style-type: none"> • Firstly, exploration of mandatory conditions/ requirements within the VPP to replace referrals altogether • Secondly the use of application requirements to submit consents referral authorities with an application. This could inform a design early (e.g. Flooding level) rather than the planning assessment process being relied upon to then require modifications to plans to meet referral requirements through the process and the potential delays and renotification that may sometimes result from this. • Development of a centralised web portal through an expansion of SPEAR or other tool for referrals <p>We would also encourage greater emphasis through the planning pre-application process which encourages applicants to consult with and provide referral authority advice prior to lodgment of the application.</p> <p>We query whether the planning approvals process can be removed for simpler projects by those projects triggered only by LSIO, FO, SBO addressed through building legislation only thereby removing the current duplication of planning and then building permit assessment of flooding levels.</p>
<p>B9 – Make decisions within a reasonable time</p>	<p>The recommendation for a 90 day statutory timeframe for complex application is strongly supported recognising the added complexity and community expectations for meaningful engagement, no longer reflected in legislation that is now 32 years old.</p> <p>It is also widely recognised that enabling time for meaningful consultation can improve the planning outcome and create greater certainty, as opposed to current timeframes which load up the VCAT process with unnecessary failure to determine appeals</p> <p>Moreland supports the introduction of variable timeframes for making a determination on an application based on its complexity. In offering our support, we agree that the term ‘complexity’ would require increased clarification. The simplest balanced approach to define complexity would be to relate this to the cost of development which will capture the vast majority of complex planning applications.</p> <p>We don’t agree with a negotiated approach to a longer timeframe as this is fraught with further delays attempting to negotiate extended timeframes and applicants opposed to deferring their rights for a review of a council’s failure to make a determination on their application. Any timeframe must be mandated through the Regulations.</p>

<p>B10 – Promote best practice delegation of decisions</p>	<p>Whilst the use of a model deed of delegation may assist some councils, we do not believe that this will have dedicating time and resources to this recommendation would produce the biggest value for the effort involved. More than 95% of planning decisions are delegated which does not suggest that this is the area from which the most benefit or improvement will be achieved.</p> <p>Delegations are regularly reviewed by most Councils in attempts to gain the most efficiency in services while providing that only the most controversial or significant planning decisions are considered by the elected Council. Delegations vary considerably across Council’s dependent upon the nature of their municipalities, the development pressure and mix of application types that are being managed and therefore while model delegations may provide a level of guidance, achievement of consistent delegations is highly unlikely to be achieved and would not be a desirable outcome.</p>
<p>Post Permit Approvals Stage</p>	
<p>C1 – Checking compliance with permit conditions</p>	<p>Planning has become overly complex and coupled with tight timeframes and the risk of an Section 79 (failure) appeal to VCAT, council officers are issuing permits with lengthy requirements which seek multiple amendments to the plans. This is not conducive to expediting the approvals process. There is a balance that needs to be found between the further information process and the final permit, transitioning towards increasing the number of permits that can be issued with endorsed plans.</p> <p>This issue is very closely related to the potential improvements that can be gained through the submission of complete applications, reducing the need for further information.</p> <p>We call for caution in pursuing Recommendation 59 with respect to the circulation of draft conditions as a mandatory requirement. While accepting this is a best practice and one that is commonly followed at Moreland, introduction of a formal process to require this step runs a real risk of having a negative impact upon overall timeframes.</p>
<p>C2 – Streamline variations to the terms of a permit</p>	<p>Moreland see some benefit but not significant benefit with a new Planning Practice Notes to provide greater clarity on the scope of what constitutes a Secondary Consent application and what constitutes a reasonable permit expiry time frame.</p> <p>More significant benefit would be delivered through legislative change to provide clarity on the process and scope of amendments to permits under the powers provided by planning permit conditions. This legislative clarity would assist in removing the uncertainty and subsequent VCAT reviews associated with secondary consent applications based on VCAT case.</p>

	<p>It is submitted that Practice Notes are generally a band aid solution to matters regarding regulatory clarity and can often serve to introduce more debate and issues of interpretation. The government should therefore resolve these matter through revisions to the Act rather than via a Practice Note.</p>
<p>C3 – Reduce timelines for electricity connections</p>	<p>No comment</p>
<p>C4 – Simplify payment of infrastructure contributions</p>	<p>No comment</p>
<p>C5 – Approvals by other authorities</p>	<p>There is a responsibility on the land owner and their project management to familiarise themselves with the relevant requirements and obligations in proceeding with a development, including additional approvals post planning. Whilst the pre-application process can assist, it should not be relied upon by applicants as the source of all information.</p>
<p>C6 – Coordinate planning and building permit assessments</p>	<p>Moreland’s preference would be to see matters relating to flood levels removed from the planning process and captured direct by the relevant drainage authority through the building permit process.</p> <p>An improvement to the system to streamline implementation would be the clarity that water or other authorities seeking to introduce planning scheme changes should take responsibility and accountability for the changes and work with DELWP to prepare and manage the planning scheme amendment rather than seek to shift the resources and responsibility to local government.</p> <p>Moreland has employed a concierge model for economic development projects and will review the success of this change. Part of this review will include whether the additional time and resources dedicated to the provision of building pre-lodgement advice is converting into more building permit applications lodgement and that Council time and resources are not be expended on applicants who receive free building pre-application advice only to then lodge an application with a private building surveyor. The benefits of a concierge service are recognised and supported for commercial applications which can be lodged and processed concurrently.</p> <p>The expansion of this model to other applications required fundamental changes by the development industry before the same benefits might be realised. We can see that some application of a concierge model may be possible with single dwelling or dwelling extension applications triggered only by a heritage requirement being lodged and processed simultaneously with a Part 5 Building report and consent application. To achieve this the developer would need</p>

	<p>to have commissioned a building surveyor and prepared building plans at the planning stage which is rarely the case.</p> <p>Council currently encourages applicants in these circumstances to seek building advice early to avoid potential rework and delays. The suggestion of a 'building information statement', does not acknowledge that for most development Council is not engaged as the building surveyor. This request, may create additional assessment burden for Council, without the benefit of being engaged as the building surveyor.</p> <p>The recommendation therefore requires further analysis with the development industry to gauge the likelihood of this change in operations to commission building plans early.</p> <p>Caution is offered with proposal for a broader application of a concierge model which has the potential to further delay a planning process for a developer in looking to resolve building issues early.</p>
Building Approvals Stage	
D1 – Expand the workforce of building surveyors, inspectors and fire safety engineers	<p>Moreland supports the expansion of Building Surveyors, Inspectors and Fire Safety Engineers. For this to occur there would need to be a major investment by Government and Private Sector in training and registration of these practitioners. Generally, the privatising of the Building Surveyor / Inspection Industry in the early 90's has led to a steady decline in investment in training and employment in the sector that is now an aging workforce.</p> <p>The introduction of a new class of Building Surveyors for low risk matters is supported.</p>
D2 – Improve access to building records	<p>Moreland supports the improved access and centralisation of Building Records with the VBA. The current fees for lodgement of building records with Council do not cover the cost of checking the completeness of record lodgement by private building surveyors nor is it Council's role to police the operations and conduct of private building surveyors. Central responsibility with the VBA would resolve this current issue with the lack of information highlighted by the recent cladding audits.</p>
D3 – Streamline building permit requirements for low-risk work	<p>Moreland supports the improved streamlining of Building Permits requirements</p>
D4 – Standardise construction management plans	<p>Moreland supports the improved Standardising of Construction Management Plans however it is our strong submission that the expertise and knowledge to assess and monitor construction management practices does not lie within the planning system. At the planning approval or endorsement of plans stage the appointment of a builder and consideration of the practicality of construction are not known, nor to planners or planning enforcement</p>

	<p>officers deal with these matters and therefore have the necessary knowledge of construction methodology and practice. The City of Melbourne and City of Yarra models for of construction management teams are examples of best practice.</p> <p>It is our submission that CMPs are best assessed and monitored by specialist teams with knowledge of the practicalities of construction rather than Planners & Planning Enforcement officers.</p> <p>The management of CMP's via the planning system should be avoided at all costs in leading to further delays and frustration, despite the temptation to see planning permit conditions as a convenient mechanism to trigger a CMP.</p> <p>We therefore strongly support the recommendation for the establishment of Best practices Local Laws and agree that specialist teams are the model to follow. A Council concierge model for a CMP which would not require a planning involvement is equally supported.</p>
<p>D5 – Improve consistency of Council asset protection requirements</p>	<p>Moreland supports the improved Standardising of Council Assets Protection requirements.</p>
<p>D6 – Distinguish building 'consultants' from building surveyors</p>	<p>Moreland supports the recommendation to better distinguish Building Consultants from Building Surveyors that could be implemented by a Standardised Australia wide Building Legislation package.</p>
<p>D7 – Clarify processes for enforcement</p>	<p>Moreland supports the improved Standardising of Building Enforcement processes and procedures that could be implemented by a Standardised Australia wide Building Legislation package.</p>
<p>The Report & Consent process and Ministerial Practice Notes</p>	<p>One of the ongoing concerns and delays associated with the Building Permit Process which remains a Council responsibility is the consent and report process which is guided by Ministerial Guideline MG12 & MG3. These guidelines introduce a recommendation that in the circumstances when a neighbour objects and the objection is not considered frivolous, Council must refuse the application in order to give the objector a right to be heard at the Building Appeals Board (BAB). This applies even if on the merits Council would have supported the application. This results in time delays of 2 -3 months associated awaiting a BAB decision and wasted resources. These circumstances could be removed through legislative change removing the need for MG12 and removing this scenario of refusal of applications only to provide a right to heard.</p>

Council appreciates the opportunity to comment and would welcome the opportunity to contribute further in the streamlining process.

Should you have any queries regarding this matter please contact either Kirsten Coster, Director City Futures on 9240 1248 or Phillip Priest, Group Manager City Development on 9240 1149.

Yours faithfully,



Kirsten Coster
Director City Futures

15 / 11 / 2019

BETTER APARTMENT DESIGN STANDARDS REVIEW

SUBMISSION BY MORELAND CITY COUNCIL

Thank you for the opportunity to provide comment on the proposed changes to the *Better Apartments Design Standards* in the Victoria Planning Provisions. The proposed changes to existing standards and introduction of new standards make significant and positive improvements to the state-wide guidance for apartment development in planning schemes.

Specific comments on each of the five issues under consideration are detailed below.

GREEN SPACE

The proposed changes to the Landscaping and Communal Open Space standards are welcomed and positive improvements to the existing requirements.

1. Proposed changes to the landscaping standard (Section 2.4 in the discussion paper)

The proposed strengthening of the landscaping objectives and changes to the existing landscaping standards for canopy tree planting, to provide more specific guidance about canopy spread, the areas that trees need to grow, and minimum soil depths are welcomed and supported.

The addition of an objective relating to use of surface materials that lower surface temperatures and reduce heat absorption for sun exposed trafficable areas is strongly supported. However, the deletion of the words 'support thermal comfort' from the objective regarding climate responsive landscaping to reduce the urban heat island effect is not supported. 'Urban heat' and 'heat absorption' describe a problem and 'thermal comfort' is a positive expression of the desired outcome for people, both indoors and out. The inclusion of 'thermal comfort' in the objective, guides landscape design and decision making about the location and type of landscaping, both on the ground, as well as on roofs and walls.

It is requested that as the landscaping objectives are being altered in Clause 58, that corresponding changes be made to the landscaping objectives within Clause 55. In many parts of middle ring Melbourne, the overall quantum of medium density infill is such that the same issues with urban heat are arising, as in apartment typologies. The images below from DELWP Cooling and Greening urban heat mapping and from Moreland City Council's satellite imagery and aerial photography, illustrate the emergence of significant urban heat issues in medium density development. These images are of parts of Glenroy within the Neighbourhood Residential Zone and General Residential Zone, in two, three and four dwelling on a lot developments. Moreland is one of the fastest growing of the established areas and 65% of net new dwellings over the past 10 years have been medium density units and townhouses, rather than apartments. By 2036 medium density housing is forecast to be home to more than half of Moreland's households. By contrast, at 2036 17% of Moreland households will live in apartments. The same attention to the quality and liveability of outcomes in medium density development types, as is being given to apartments in the changes to the Better Apartment Design Standards, is critically required.



A key shortcoming with the existing landscaping standard is the lack of guidance about alternative responses to canopy tree planting such as green roofs or green walls, and this remains unaddressed. There is nothing within the decision guidelines currently, or proposed, to guide decision making about reasonable equivalents to the canopy tree sizes and numbers within the standard. Some interesting work has been undertaken by the City of Melbourne in their Valuing Green Guide, regarding the benefits of green roofs, walls and façades on the thermal comfort of buildings. Nightingale housing is applying these techniques to their development in Moreland. There are also examples of equivalency measures for façade and roof planting from Germany, Singapore and the UK. Opportunities for offsets for landscaping on public land, as part of the equivalency, could potentially also be explored. For canopy trees, the existing and proposed Table D2 in the landscaping standard, guides designers and decision makers about what is required to meet the objectives. There is no numerical guidance about reasonable equivalents, which adds uncertainty to the assessment, for applicants, Councils and VCAT, and results in inconsistency between local government areas. Where landscaping is to be provided on roofs, it would be desirable for the standard to require consideration of wind impacts on the likely success of the proposed landscaping.

The inclusion of an objective to encourage retention of mature vegetation is also welcomed. For clarity, this objective could refer to 'mature canopy trees', rather than 'mature vegetation', if this is what is intended. The only decision guidance which relates to this objective, is consideration of the health of any trees to be removed. Decision guidance on how to balance accommodating population growth in Activity and Neighbourhood Centres, against retention of mature trees would be helpful and provide additional certainty to both developers and objectors. One example of this is Nillumbik SLO1 which applies to the Eltham Activity Centre, where decision guidance includes, whether the site is restricted from realising its reasonable development potential by the retention of mature trees on the site.

Within Table D2 of this standard, the minimum plan dimensions of deep soil areas appear to be too narrow for the height and canopy spread of the trees required in the minimum tree provision column.

A matter of detail, within the 'minimum tree provision' column of Table D2, tree height and canopy spread is specified for lots under 1,000 sqm and between 1,001 and 1,500sqm, but omitted for the subsequent lot sizes. For clarity, tree height and canopy spread should be specified for all lot sizes. Once tree height and canopy spread have been specified, tree size descriptors (small, medium, large), become optional content.

2. Proposed changes to the communal open space standard (Section 2.5 in the discussion paper)

The proposed changes to apply the communal open space standard to developments of a smaller size is welcomed and supported. The improved emphasis on canopy trees in the aspiration to maximise landscaping, is consistent with urban forest and urban heat island strategic work which has been undertaken by state and local government, including by Moreland City Council, and is a positive strengthening of existing Clause 58 content.

The suggested change to the definition of 'communal open space' within the Apartment Design Guidelines, to include internal common spaces, is strongly opposed.

When the communal open space requirement is cross correlated with the deep soil planting and tree canopy spread requirements, the communal open space area requirements in D7 set up a realistic scenario that the deep soil and canopy spread requirements in Standard D10 may be met, but there is not an excess of communal open space.

By way of example, the maximum area of communal open space required by Standard D7 is 250sqm. This represents 10% of the site area of a site of 2,500 square metres. An area of this size is applicable where a development is for 100 apartments or more. This equates to one area of open space of approximately 15 X 15sqm, or alternate width to length ratios, or configured in multiple spaces. The minimum canopy tree requirements in Table D2 of Standard D10 on a site of this size are one large, or two medium canopy trees for every 90sqm of site area; i.e. 3 large or 5 medium trees. The canopy spread of a large tree is 10-16 metres and for a medium tree, is 8 metres. It would be rarely possible to satisfy the combined requirements of these two standards if indoor recreation areas are included as communal open space.

Further, amongst the purposes of the communal open space requirement are to provide for building occupants outdoor recreation needs, in spaces with good access to sunlight, maximising landscaping including canopy tree planting, provide outlook from dwellings and to protect natural features on the site. This is supported by the Standard D10 objective that communal open space should have canopy trees. The inclusion of internal common spaces is inconsistent with these intentions.

One of the best examples of successful tree planting within an apartment development in Moreland is the Anstey Square development on Sydney Road Brunswick. In this ten year old development, a public plaza and through block connection was required by an urban village structure plan, which created generous spaces for tree planting. The lessons learnt through this example are the need for commercial specification irrigation systems and the ongoing need to top up raised planters as soil compacts. There is twice as much communal open space, and twice as many canopy trees within this development, to what the proposed Better Apartment Design Standards for communal open space and canopy tree planting would deliver.



If this objective is to be progressed, it is suggested that it is equally as relevant in Clause 55 as in Clause 58.

In improving the quality of communal open spaces on rooftops, we would welcome additional guidance and clarity for:

- Building height implication of rooftops structures. For example, a standard such as ‘building structures (lift overrun and staircases) which support rooftop gardens use should be exempt to height control as long they are not dominant from the streets and set back from boundaries’ can help applicant to see this as a viable option.
- Potential of a combination of multiple communal opens spaces are not mentioned. E.g. rooftop + common entry area where a canopy tree requirement can be located.
- Discouraging negative outcomes, such as these by refining the standard:
 - Negative outcome where narrow communal spaces are created on the sides and rear setbacks which are less usable and hard to maintain. These types of spaces are better absorbed as private open spaces.
 - Negative outcome where private front yards with multiple dwelling entries are turned into a long (hotel-like) communal front yard. Some areas of the front yards are better absorbed as private open spaces to achieve greater sense of street ownership from multiple owners.

3. Proposed changes to the design response for landscaping (Section 2.6 in the discussion paper)

The inclusion of landscape considerations in the design response requirements is welcomed and supported. Moreland’s experience is that landscaping over basement car parks is becoming more prevalent and that the durability of landscaping watering and drainage infrastructure is critical to the success of the landscaping. Moreland also values sustainable water sources irrigation from greywater to close the loop and integrate with ESD policy aspirations. These matters are currently being dealt with at Moreland by way of permit conditions.

APPEARANCE OF THE BUILDING

5. Proposed new external walls and materials standard (Section 3.4 in the discussion paper)

The introduction of new content into Clause 58 to guide the appearance of buildings is welcomed and supported, however in practical terms the proposed objectives and standards could benefit from being further refined. High quality design is difficult to standardise and requires high quality contextual analysis and design response. The primary objectives should be that buildings respond to their context and be designed with a coherent use of form and materials.

Moreland's experience is that the context analysis and design responses received are commonly so weak that when issues are raised with how proposed buildings respond to their context, that applicants do a total flip and provide a completely different building language. If the design concept derived from contextual analysis, the design language would be refined, but not substantially transformed throughout the process of determining an application.

An illustrative example, a current apartment development in the Brunswick Activity Centre is outlined to demonstrate this issue.

- Contextual analysis which accompanied the application. The context includes a building of individual heritage significance.

Figure 7 – Surrounding Area



Picture 1 – Retail tenancies along Lygon Street



Picture 2 – Glenmorgan and Eddy Streets Intersection



Picture 3 – Tram Stop on Holmes Street



Picture 4 – Lygon Street and Albion Street Intersection

- Architectural concept informed not by the analysis of the context, but by a cultural centre located within a school campus, in Brighton, the rationale being that the Wurundjeri people were the original inhabitants of Moreland and large parts of Melbourne.



- Design language as lodged



- Extract from feedback from Moreland City Council regarding the exterior appearance

The façade design is an appropriation of indigenous motifs and is not considered appropriate. There is no documentation which demonstrates consultation of indigenous community members, therefore the expression is an applied and appropriated motif which is considered unacceptable.

Consider using one main material for the primary façade expression, to achieve a cohesive architectural expression. The proposed layering of materials, and amount of variety of façade treatments is resulting in an unresolved architectural expression. Reconsider how the elevations and compositional elements of each elevation of the building can achieve some consistency and integration.

Concerned about the feasibility and resolution of the proposed perforated metal façade system. It is unclear how the perforated panels fix to the concrete and windows and how access will be achieved for maintenance to each of these elements. The reference images which have been shown as references for the façade design are quite abstracted and conceptual, and do not provide any certainty around a quality outcome. The timber cladding to the southern elevation does not have a strong relationship to the elements of architectural expression elsewhere.

Consider using one main material for the primary façade expression, instead of layering materials, to ensure ease of maintenance. To achieve a cohesive architectural expression, reconsider how the elevations and compositional elements of each elevation of the building can achieve some consistency and integration.

It is unclear what the 'metal mesh' material detail is. This material has been specified at the ground floor interface with the public realm, so needs to be of a high quality and respond to the building use at ground level.

- Design concept currently under consideration



The proposed objective that buildings be ‘visually interesting’ and the proposed standard which requires external materials to provide ‘variation in materials, colours and textures’ do not necessarily result in an attractive building. The most frequently pointed out unattractive building in Moreland is this building on Bell Street in the Coburg Activity Centre. It includes variation in materials, colours and textures. The materials are also durable. But the design language does not relate to the context or result in a high-quality design outcome.

In approving this development, the Tribunal referred to parts of the State and local planning policy framework which encourage new development to respond to its landscape, built form and cultural context and achieve high quality urban design and architecture. VCAT held that this development is a well-mannered “signature” building with a “sinuous and interesting form” that exhibits a high level of architecture excellence and provides an active frontage to the public realm.



By contrast, this building, used as an illustrative example in the Discussion Paper within the ‘Appearance of the Building’ section provides very little variation in materials, colours and textures, but is clearly a high quality design and an attractive, contextual outcome.



Another Moreland example is the Neometro development adjacent to Jewell Station. Neometro are acknowledged as one of Melbourne’s premium residential apartment developers. This building is visually interesting, it has variation in materials, colours and textures, and is built of durable low

maintenance materials. It is being likened by the community as looking like 1970's housing commission flats or a prison.



High quality façade design is very difficult to reduce to four objectives and three standards. Some buildings are so 'visually interesting' with variations in materials, colours and textures, that they might be described as a pizza building. Others are so simple, that they elicit the critique illustrated in the example above. Ultimately decision makers need make a qualitative assessment, as there is little meaningful content in the proposed standard, or decision guidance within the proposed clause, which would assist in making an assessment as to whether the standard has been met.

Some of the content within the Moreland Apartment Design Code 2015, may be of assistance in refining the proposed external walls and materials standard.

<https://www.moreland.vic.gov.au/globalassets/areas/amendments/amendmentslib-7208/c142/madc-reference-doc-september-2015.pdf>

Moreland City Council would welcome the opportunity to participate in a workshop of planning and design professionals to refine a Batter Apartment Design Standard which seeks to guide attractiveness and quality of apartment buildings.

The proposed new content relating to the appearance of buildings, integrates broad aspects of the attractiveness of façade design, along with requirements relating to the quality and durability of materials. These matters may be better addressed in different standards.

In relation to the proposed objective that external materials are durable, whilst clearly this is a highly desirable outcome, is difficult to assess and problematic to enforce within the planning system. Durability needs to be defined in order for an assessment to be made. Clarity is also required about timeframe over which durability is to be assessed. Further, the quality of workmanship is not something which can be assessed in determining a planning application, and this is an important consideration in the durability of a building. The proposed standard and suggested permit conditions imply that Council Planning Departments will be responsible for an ongoing legacy of checking how materials are ageing and being maintained. This is beyond the reasonable expectation and expertise of Planners and the planning system.

If this objective is to be progressed, it is suggested that it is equally as relevant in Clause 55 as in Clause 58. The use of thinly rendered blue board and polystyrene for upper levels of townhouses is prevalent across inner and middle Melbourne and it ages poorly as sections of the render fall away.

It is also suggested that the sustainability of materials, their life cycle impacts, and their long term reusability, are important considerations. Content could be drawn from the Green Star, Built Environment Sustainability Scorecard (BESS) and similar rating tools in this regard.

The use of sustainable, recycled, re-used content material, integration of renewable energy technology and optimised shading and glazing design in the building façade should be considered in the design development and design response.

A design response that addresses optimised passive design initiatives such as optimal daylight, views and thermal comfort etc should be encouraged.

As matter of detail, a further issue which frequently arises in apartment façade design is exposed downpipes being added as an afterthought and not as an integrated component of the facade design. It is requested that some thought be given to addressing this issue in the new objective proposed.



6. Proposed changes to the design response (Section 3.5 in the discussion paper)

The inclusion of the design rationale for the external walls, and the selection of the external materials in the design response requirements is welcomed and supported.

7. Proposed changes to the Apartment Design Guidelines for Victoria for external walls and materials (Section 3.6 in the discussion paper)

The suggested change in this regard is the inclusion of suggested permit conditions in the Apartment Design Guidelines for Victoria. Details of such conditions have not been provided for comment. If DELWP wishes to give guidance to planning decision makers on writing planning permit conditions, this could be done by updating the Model Conditions within the state government's 'Writing Planning Permits' guidance document.

Appearance of the building – suggested policy changes

Some specific detailed wording changes are suggested below:

3.4 Proposed new external walls and materials standard (all apartment developments)

Objectives:

To ensure that the design and finish of external walls makes a positive contribution to the public realm.

To ensure that the external walls and materials of buildings are visually interesting and of a high-quality design standard.

To ensure that the external materials are low maintenance and durable.

To ensure that the external walls of the building are readily accessible for maintenance.

Standard:

The ~~external walls~~ **exterior** of buildings should provide articulation through ~~variation in depth,~~ form and **composition** fixtures.

The external materials should:

- ~~provide visual interest through variation in material, colour and texture.~~
- be durable for the life of the building.

Safe and convenient access to external walls should be provided for maintenance. Decision Guidelines Before deciding on an application, the responsible authority must consider:

- Any relevant building design and urban design objective, policy or statement set out in this scheme.
- The urban context report.
- The design response.

3.5 Proposed changes to the design response

Include the following new requirement:

The design response must include a design rationale for the **exterior presentation, material palette and how it fits within the context.** ~~external walls, and the selection of the external materials.~~

3.6 Proposed changes to the Apartment Design Guidelines for Victoria

Include as suggested permit conditions:

- Section details at a scale of at least 1:20 illustrating the ~~building's external walls~~ **external wall system**, including materials and construction details.
- Information about how the external walls will be maintained.

WIND IMPACTS

8. Proposed new standard for wind impacts (Section 4.4 in the discussion paper)

The proposed inclusion of a wind impact standard is welcomed and supported. However, the requirement that a wind impact assessment for all development of 5 or more storeys in considered unnecessary and onerous.

The Activity Centre Zone for Coburg includes a requirement for a Wind Impact Assessment, as appropriate. This application requirement is being sought in the following circumstances:

- for buildings of 10 or more storeys
- for buildings of 8 storeys or more storeys if the building has a sheer facade
- for buildings adjacent to the Upfield Bike Path.

In mid-rise buildings it is possible to include design standards, such as a requirement for podiums, awnings or canopies, which would ensure that adverse wind outcomes at ground level do not arise.

Appreciating that the proposed standards relate to comfort and safety of balconies and roof tops, as well as public and private outdoor areas at ground level, it is suggested that the numerous wind reports which have been submitted with apartment developments across Melbourne could be reviewed to determine a building height at which wind impacts on balconies and roof tops is genuinely unreasonable and unacceptable. Moreland's experience is that wind impacts on balconies and roof tops can readily be designed out in mid-rise buildings and in buildings under 10 storeys, such matters could be standardised.

9. Proposed changes to the Apartment Design Guidelines for Victoria for wind impacts (Section 4.5 in the discussion paper)

Clarity about the circumstances and contexts where a desktop wind study or wind tunnel analysis is required, would be welcomed. It is considered that such matters ought to be an 'Application Requirement' within the scheme, rather than sitting outside the scheme in a reference document.

STREET INTERFACE

10. Proposed changes to integration with the street standard (Section 5.4 in the discussion paper)

The proposed improvements to the existing integration with the street standard are positive improvements. As a matter of detail, it is suggested that the terminology 'street fronts' could lead to debate about which façade of a building is the 'front' where a development has multiple street frontages. The term 'all street frontages' is preferred to 'street fronts'.

Moreland's experience is that retail and other commercial uses are generally quite successful in achieving activation objectives along major shopping strips, but off corridor, more decision guidance on how to achieve successful street activation would be helpful. This article provides a useful context to the nuanced consideration of this issue. <https://www.echelonplanning.com.au/single-post/2019/06/12/%E2%80%98Ghost-Shops%E2%80%99-%E2%80%93-is-the-problem-oversupply-or-a-lack-of-imagination->

In this Brunswick example, currently nearing completion, there is virtually no sense of passive surveillance of the street.



Achieving 'eyes on the street' activation where residential uses are permitted at ground level presents a different set of challenges. In these Brunswick examples, ground level dwellings have been designed with habitable rooms facing the street, a landscaped setback (as called for by Standard D10) and open fencing. The response from occupants has been to install screening to increase privacy.



In this Coburg example, the three apartment buildings have all been designed with active uses (home offices) at street fronts. The window coverings at ground level, of every dwelling, are permanently closed.



A technique sometimes employed by designers and advocated by Urban Designers and planning scheme policies, is that the finished floor level of ground level dwellings sits 1-1.5 metres above street level, but this also has mixed effectiveness and has accessibility implications. Raising the ground floor for the residential-use ground floor had proven to be one of the best design interface solution for apartments and is strongly required in NSW's Apartment Design Guide. Refer to <https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/apartment-design-guide-part-4-designing-the-building-2015-07.pdf?la=en>



Additional decision guidelines on how active uses at street fronts, be they residential, commercial, retail, can be designed to ensure the objective is met, would be welcomed.

The connection to the street is often compromised with the design of ramps at building entries. A standard or decision guideline that direct ramps at ground floor be designed to minimise the reduction of active uses directly interfacing the street would also be welcomed.

The discouraging of high fencing is supported, however, where there is no other option an acceptable high fence design is possible by creating gaps on a long fence, use different materiality to improve fine grain, staggered fence line, and layering using planting. It is suggested additional decision guidelines are included on how high fencing could be designed, such as guidance that the high fence provides adequate street activation and is well-articulated.

11. Proposed changes to vehicle access standard (Section 5.5 in the discussion paper)

The proposed refinements to the existing vehicle access standard are supported.

12. Proposed changes to site services standard (Section 5.6 in the discussion paper)

The proposed changes to the site services standard to require metres, utility services and service cupboards be designed as an integrated component of the façade, are well understood and strongly supported.

In this 'boutique luxury' Coburg example (albeit a Clause 55, rather than Clause 58 proposal), an architect designed façade has not integrated gas metres, water metres and mail boxes, which has compromised the simplicity and quality of the street presentation.

It is suggested that Standard B34 of Clause 55 be amended at the same time that Clause 58 is being amended, as the same issues arise in medium density and apartment typologies.



From the Moreland Medium Density Housing Review we have numerous examples of poor integration of metres and utility services in medium density housing across inner and middle-ring Melbourne. Here is another example. This one is from Darebin, rather than Moreland.



The use of the term ‘integrated’ within the proposed standard, is a particularly strong and useful and is supported.

It is unclear whether the Florence Street example within the Discussion Paper, is an example of a poor street interface, or an example of an acceptable outcome which could be achieved by the proposed changes to the standard.

Some architects deliberately expose building services; The Centre Pompidou, being one of the best known examples. The example of water pipes and taps in the Florence Street building in the Discussion Paper, employs this design approach throughout the building, including other components of this building visible from the public realm (illustrated below). In this case, the design is responding to the industrial and rail corridor context in which the building sits and the water infrastructure has been exposed as a visually appealing design feature. This design language is also employed by this Architect in the building across the road and is considered appropriate in this context. In a different context, an alternative design approach would be appropriate.



13. Proposed changes to Apartment Design Guidelines for Victoria for site services (Section 5.7 in the discussion paper)

The suggested changes to the Apartment Design Guidelines for Victoria are supported.

Street Interface – suggested policy changes

Some specific detailed wording changes are suggested below:

5.4 Proposed changes to integration with the street standard (all apartment developments)

Objectives:

To integrate the layout of development with the street.

To encourage active street fronts. [new]

Standard:

Developments should provide adequate ~~vehicle~~, pedestrian, and cycling ~~and vehicle~~ links that maintain or enhance local accessibility. [amended]

Development should be oriented ~~with primary outlook and entrances~~ to ~~front~~ existing and proposed streets.

High front fencing should be avoided ~~if practicable~~. ~~Where these are necessary, above 1.2m should be visually permeable~~ [amended]

~~Development next to existing public open space should be laid out to complement the open space.~~ (DELETE - THIS STANDARD DOES NOT RELATE TO INTEGRATION WITH STREET)

Buildings should provide for residential, commercial, retail or other active uses at street fronts ~~with direct access from the street~~. [new]

Car parking and internal waste collection areas of buildings should be located behind residential, commercial, retail or other active uses along street fronts. [new]

Blank walls should be avoided along street fronts. [new]

Decision guidelines:

Before deciding on an application, the responsible authority must consider:

- Any relevant urban design objective, policy or statement set out in this scheme.
- The design response

CONSTRUCTION IMPACTS

14. Proposed new standards for construction impacts (Section 6.4 in the discussion paper)

It is agreed that construction of mid to high-rise buildings can have a range of impacts and that there is potential across Melbourne for construction to be better managed.

A key priority of the Moreland Council Plan 2017-2021 is to proactively manage construction impacts. The Construction Management Project within the Moreland Council Plan is looking at the best way to manage and minimise the impacts on residential amenity and reduce complaints relating to construction sites. Moreland's Construction Management Review Report is attached.

It is considered that the planning permit process is by and large not the most appropriate time to holistically deal with how buildings will be constructed. Matters commonly considered in Construction Management Plans include public safety, amenity, site security, protection of public assets, protection of street trees and trees on adjoining properties, operating hours, noise and vibration controls, air and dust management, stormwater and sediment control, chemical contamination, waste and materials re-use and traffic management. These matters go well beyond the matters considered in the assessment of planning permit applications and the expertise of Planners and Planning Enforcement personnel.

Moreland's Construction Management Review found that at Councils that are at the forefront of construction management, this is done by personnel with local laws and construction expertise, most commonly in specialist teams within Council Building Departments.

Further, construction impacts from mid to large scale construction projects can occur not just from buildings to be used for apartments, but also from office, retail, education, hospital and other commercial and institutional buildings.

15. Proposed changes to the Apartment Design Guidelines for Victoria for construction impacts (Section 6.5 in the discussion paper)

The change suggested is the inclusion of a construction management 'suggested permit condition' within the Apartment Design Guidelines for Victoria. These guidelines guide apartment *design*, not apartment *construction*. As suggested previously within this submission, if DELWP wishes to give guidance to planning decision makers on writing planning permit conditions, this could be done by updating the Model Conditions within the state government's 'Writing Planning Permits' guidance document.

https://www.planning.vic.gov.au/data/assets/pdf_file/0017/102149/Writing_Planning_Permits.pdf

It is hoped that this submission and the illustrative examples given, provides some helpful insights. Moreland City Council would welcome the opportunity to participate in further engagement as the Better Apartment Design Standards review progresses.

OTHER COMMENTS

Moreland Council would support changes that raise the bar of apartments quality for smaller apartments in Residential Growth Zones (in Moreland's Neighbourhood Activity Centres). Residential Growth Zones is an area where it is difficult to push to get apartment typology and achieved the preferred density and appropriate street interface outcomes. The gap of quality requirements between ResCode (applicable to RGZ) and the stricter BADS, added with the lack of minimum garden area requirement, led developers to choose townhouses over apartments. We received several applications of overcrowded townhouses (6-pack or 8-pack 'toast rack') with poor internal amenity and poor street interface, which could have been avoided by choosing the apartment typology for the desired density.

As part of Moreland's Medium Density Review's Moreland Council had issued a letter to Minister for Planning regarding the ResCode review to ensure consistency between equivalent standards in ResCode and the Better Apartment Design Standards (TRIM D18/439235) on 2/1/2019 to address this issue.



Moreland City Council

Construction management review: Summary Report



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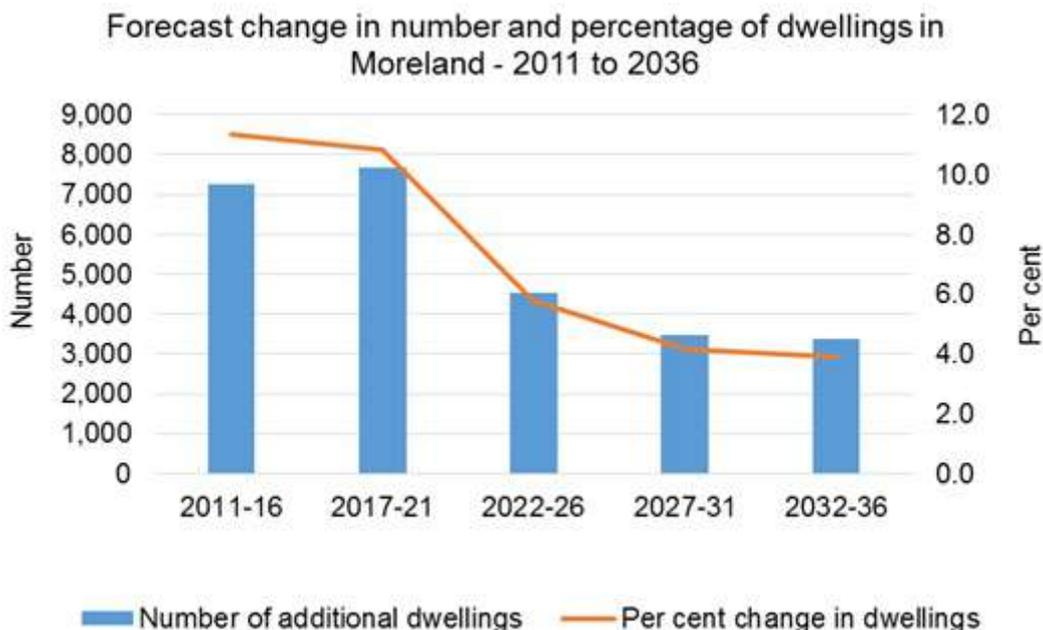
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At the April 2016 Council Meeting, Council (DED 24/16) resolved “to note the 2016-2017 budget proposal to undertake a thorough independent study into current performance and practices including analysis of other Council’s construction management practices and recommended areas for improvement”. This report presents the findings of this study.

Why a review of management of construction is required

Moreland is facing a large increase in residential dwelling construction between 2011 and 2036 according to forecasting carried out by id consulting. The majority of construction will be starting between now and 2021.



As the 2011 to 2016 time period has passed a more up-to-date time period of 2016 to 2036 is used. The map shows the forecast for the number, and per cent change, in dwellings for each of Moreland’s suburbs. Brunswick East is facing an unprecedented change in dwellings during this time period. Unsurprisingly Brunswick, Coburg, Brunswick West and Coburg North will also undergo a rapid rise in the number of dwellings as gentrification moves northward.

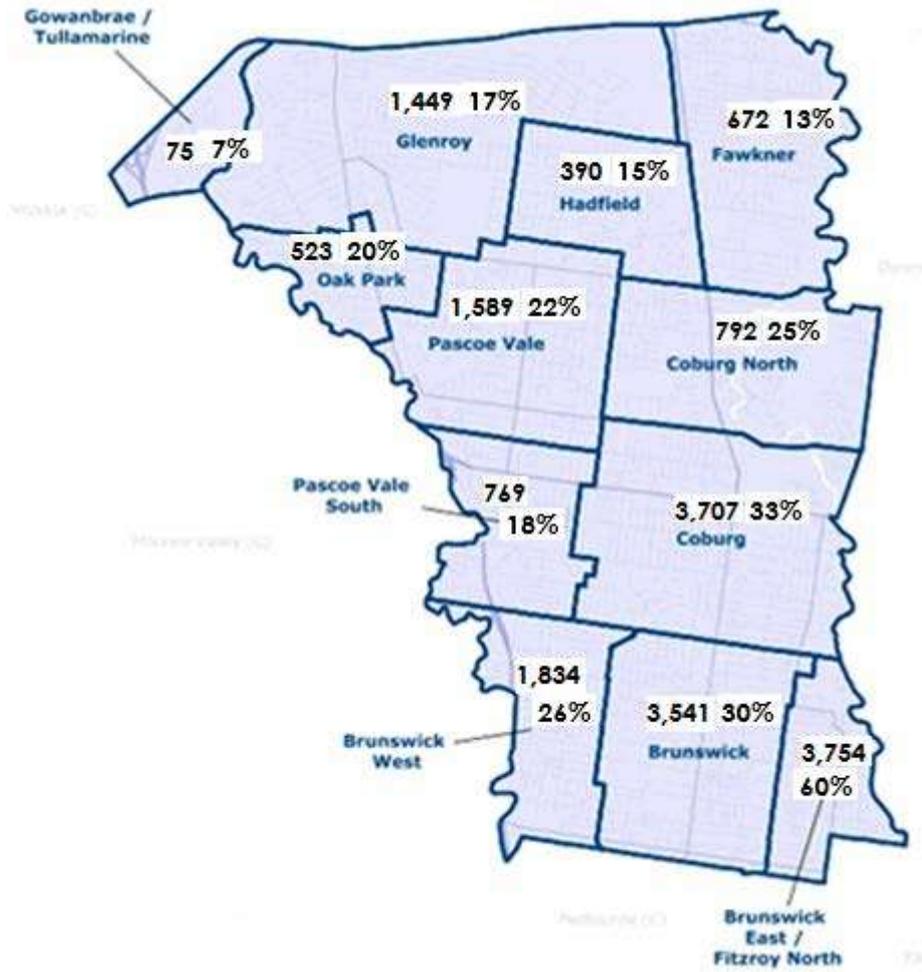


Figure 1: Forecast change in number and per cent of residential dwellings in Moreland between 2016 and 2036: per suburb (source: id forecasting website)



When looking at the south of the municipality in comparison with the north it can be seen that our southern suburbs are going to experience around two and a half times the growth in residential dwellings compared with the northern suburbs.

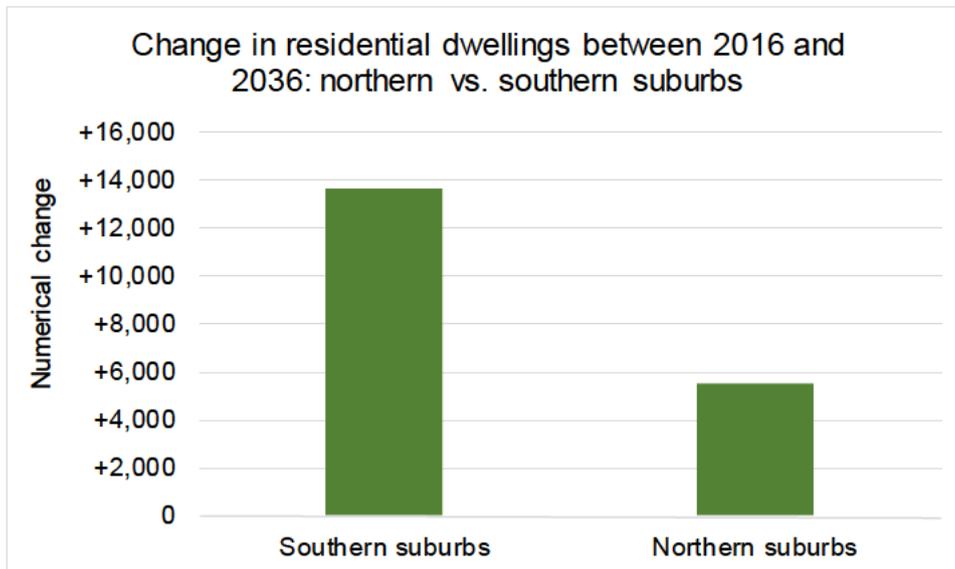


Figure 2: Forecast change in residential dwellings in Moreland between 2016 and 2036: northern vs. southern suburbs (source: id forecasting website)

An analysis carried out by council’s Strategic Planning Unit demonstrates that the north and south of our municipality are going to experience dwelling growth in very different ways. The map of planning permits approved for medium density housing between 2013 and 2015 indicates that the south is going to primarily experience a number of sites where the construction will be of dense apartment blocks along with some 1 to 2 storey townhouses. Whereas in the north the vast majority of construction will be of 1 to 2 storey townhouses. These will consist of smaller infill sites such as a site that formerly contained a single dwelling being converted into 3 to 7 townhouses of 1 to 2 storeys.

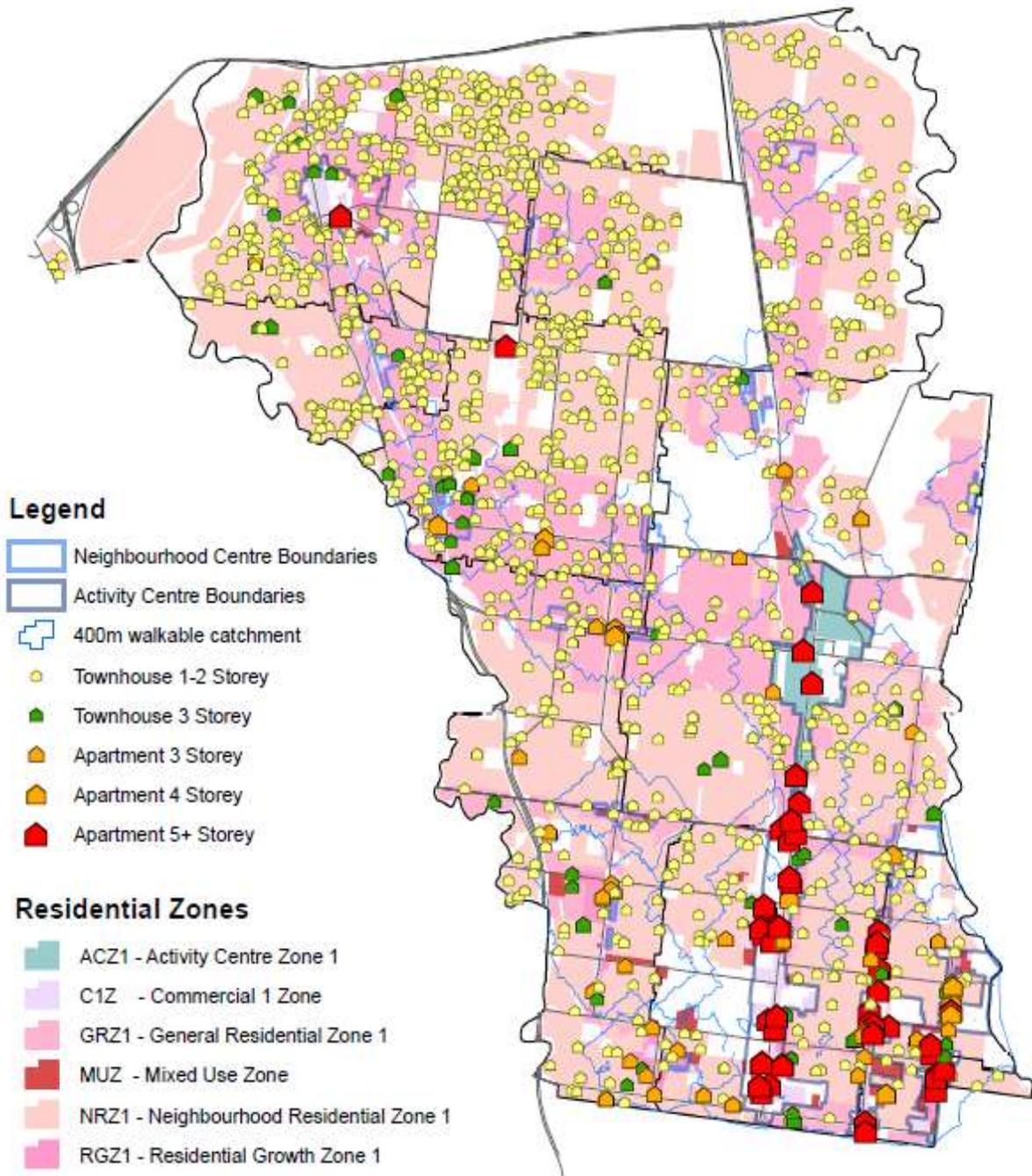


Figure 3: Dwelling type for MDH planning permits approved in Moreland 2013-2015 (Source: Moreland Pathways Planning Permit Data; compiled by Moreland Strategic Planning Unit)

Given Moreland’s imminent increase in dwelling construction and that there has been a rise in the number of developments considered by the Urban Planning Committee that are subsequently asked to provide a Construction Management Plan (CMP) consideration of how construction is handled is timely.

Council’s Asset Protection Permit system was introduced in 2008 under Council’s Environmental and Civic Assets Local Law 2006. This process and the associated inspections by Asset Protection Officers have already increased Council’s dialogue with builders during construction. Most significantly, this process ensures Council assets



Moreland City Council

damaged by private building works are reinstated at the cost of the builder at the end of the works. It also ensures that essential drainage infrastructure for the development sites are built in a manner integrated with Council's drainage infrastructure. Prior to the Asset Protection Permit system and local law, these damaged assets and incomplete drainage works were regularly not being identified, creating long term impacts to the Moreland Community.

In other Councils, CMPs are required for large, complex and problem sites as a means to thoroughly consider proposed construction methods prior to commencement (or for problem sites to review activities after commencement). CMPs are only required for a proportion of building sites and each Council has their own set of criteria for requiring them, which in turn must be balanced by resources to assess and inspect them. This report considers how CMPs are currently required, assessed and inspected, but is also considering the systems in place for non-CMP sites.

The review included interviewing key internal stakeholders to find out what they currently do in relation to residential plans and/or construction, benchmarking against other councils and gathering relevant data.

Interviews with internal stakeholders

The key stakeholders identified who have input into residential planning permits, or are involved in/impacted by residential construction, were: Statutory Planning and Planning Enforcement, Building Services, Environmental Health, Open Space Maintenance, Road Construction and Maintenance, Strategic Transport, and Amenity and Compliance.

Each service was asked what they do in relation to residential planning permits and/or construction, job design and whether they supported the introduction of CMPs for certain sites. All of the internal stakeholders were in favour of requiring CMPs for certain building sites.

One of the main findings of this exercise was that improvements are required to gain a shared responsibility for assessing CMPs.

One example is noise mitigation on construction sites. Due to current permit conditions, local laws and EPA guidelines there can be a lack of clarity about how this is assessed in a CMP and which should enforce at construction sites. Enforcement of noise issues can be dealt with by both the Environmental Health and Amenity & Compliance branches which are acting under different legislation and local laws. Environmental Health are under the *Public Health and Wellbeing Act 2008* (PHW Act) and their remit is to ensure that people are not exposed to enduring noise which would have an impact on long-term health. Local Laws officers are governed by the *Local Government Act 1989* and are responsible for what can be characterised as intermittent noise such as barking dogs or air conditioning units being run late into the night. Noise from construction sites can have either a long term impact (in the case of a larger development) or a short time disturbance.

The fact that the PHW Act only allows for the issuing of Improvement Notices or Prohibition Notices limits its usefulness as a tool for deterrence compared with Council's General Local Law 2007 which allows the issuance of fines. Offenders cannot be fined under the PHW Act but can be taken to court if they do not comply with the Notice.



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
Statutory Planning and Planning Enforcement	<ul style="list-style-type: none"> Statutory Planning can make a CMP a condition of a planning permit. They do not currently do this because planning is generally related to the approval of the development, not its construction. At times, for complicated construction sites VCAT or the Urban Planning Committee (UPC) may place a CMP as a condition of permit and sometimes impose CMP conditions. If a CMP is required the planners send it out to various parts of the organisation for their expert assessment of the suggested mitigation 	<ul style="list-style-type: none"> Not applicable for either team 	<ul style="list-style-type: none"> The Planning Enforcement team check adherence to permit conditions and that sites are built to plan. They are currently carrying out reactive and some targeted proactive planning enforcement for UPC and VCAT determined cases, within existing resources. 	<ul style="list-style-type: none"> In favour The developer/builder knows Council's expectations Stronger protection of council assets A dedicated CMP officer or unit – outside of planning - is required to coordinate, assess and monitor CMPs.



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
	measures. The collated feedback is then used to either approve the CMP or require changes to the mitigation measures in the CMP.			
Building Services	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • They cannot assess whether public protection works such as gantries are correctly designed to withstand impact from (e.g.) a dropped slab. Their expertise lies in going on-site and checking whether the public protection works have been built to the plans. • Check plans for hoardings. 	<ul style="list-style-type: none"> • Reactive as this is the nature of the work. 	<ul style="list-style-type: none"> • In favour • Lets the builders/developers know what is expected
Environmental Health	<ul style="list-style-type: none"> • Nil. Under the PHW Act the noise it covers is long term 	<ul style="list-style-type: none"> • Their training undertaken to become an 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • There is overlap with Amenity and Compliance in



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
	<p>issues that could result in health issues.</p>	<p>Environmental Health Officer does cover noise and its mitigation. Given that the mechanisms for noise mitigations are not currently part of their role some self-directed review of past training would be needed to allow assessment of CMPs.</p>		<p>receiving and responding to noise issues. To make appropriate use of CMPs, clear roles need to be defined for assessment and inspections.</p> <ul style="list-style-type: none"> • Make sure that anything we do fits within any relevant legislation – e.g. local laws must consider the Environment Protection Act 1970 and its guidelines. In this way we can be sure it is a good legal tool. • We need to end up with a team who has dedicated responsibility for making CMP happen.



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
Open Space Maintenance	<ul style="list-style-type: none"> They are keen to be involved from the beginning in assessing CMPs and assessing proposed mitigation measures as well as requiring pre-condition reports so that the land/flora can be returned to its original state. 	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Currently reactive as there is no mechanism to alert the team to instances where a build adjoins open space. 	<ul style="list-style-type: none"> In favour Clarification of who should be monitoring permitted occupied open space and who should be monitoring building works adjoining open space.
Road Construction and Maintenance	<ul style="list-style-type: none"> Nil 	<ul style="list-style-type: none"> Not involved in the assessment of CMPs. Focus would be on inspections. Existing teams have a variety of skillsets. 	<ul style="list-style-type: none"> Reactive. (Note – a recent change to a new structure is being trialled to try and shift to proactive inspections, 19/04/2017) Building Services assess the hoarding design and Road Construction issues the permit. Carry out site visit to make sure hoarding has been erected. 	<ul style="list-style-type: none"> In favour.



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
			<ul style="list-style-type: none"> • Inspect council assets around building sites to ensure they are not damaged. • Inspect drainage to ensure they are built to the plans approved by Engineering Services. • Manage the construction and alteration of vehicle crossings at building sites. • Can be involved in occupation of open space permit (Property Services manage this when works are being carried out by a service authority or government body) 	



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
Strategic Transport	<ul style="list-style-type: none"> • They issue road closure and opening permits. • Strategic Transport give advice to Statutory Planning about the impacts development will have on traffic, potential issues with parking and waste (which inputs to Planning Permit, not CMP). • Assess how trucks will access the site and if the proposed work zones meet council criteria and how a new development will be connected to services such as water and gas as this will require opening the road surface and disrupting traffic. 	<ul style="list-style-type: none"> • Yes. 	<ul style="list-style-type: none"> • Reactive: Responding to applications for a road opening or closure permit. Also requests for work zone parking restrictions will be investigated by this branch. • Assess traffic impacts of building applications for precautions beyond the building alignment. 	<ul style="list-style-type: none"> • In favour. • They are in favour of the need for CMPs for certain sites as the builder will tell Council how they intend to manage the build and it will make applicants think through potential issues before they start the build. • There were statements around the need for absolute clarity about assessment, inspection and enforcement roles in relation to construction sites.



	Current state/role re CMP assessment	Expertise to assess their aspect CMPs	Proactive/reactive	Their CMP feedback
Amenity and Compliance	<ul style="list-style-type: none"> • Nil. 	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Reactive in response to complaints 	<ul style="list-style-type: none"> • There needs to be clarity around which area deals with each site matter (e.g.): <ul style="list-style-type: none"> ○ Noise. ○ Need to improve efficiency between Amenity and Compliance, Asset Protection and Open Space when responding to reports of damage to council nature strips, trees, mud/concrete/litter on the road. ○ Need a significant tree register so trees on private property can be protected.



Which areas have the skills to assess CMPs, issue permits, inspect/enforce sites

A detailed analysis was undertaken to identify which areas of council would be able to assess each aspect of a CMP to identify if the suggested approach was adequate. For both CMP and non-CMP sites, the analysis also identified which areas issued the required permits, and who can currently inspect and enforce at construction sites. This assessment did not include ascertaining the ability of each area to absorb the extra workload if either CMP assessments or additional proactive construction site inspections were to be introduced.

After listing aspects of residential building sites that council is involved in and can enforce there were 42 factors¹ to cover when determining which area could assess a submitted CMP, which area could issue a required permit (at both CMP & non-CMP sites), and which area currently (or could) inspect and/enforce aspects of residential building site construction (at both CMP & non-CMP sites).

This exercise highlighted that some areas of council:

- are able to enforce, but do not have the knowledge/skill inspect
- have the knowledge/skill to inspect, but do not have the authority to enforce
- have both the knowledge/skill to inspect and the authority to enforce (i.e. the desired situation)
- have the expertise to assess a CMP.

This part of the review does not consider the specific Council area's resources to inspect. Officer time currently is a factor affecting all departments and limits both proactive and reactive inspections levels.

The preferred state is where one area can both inspect and enforce at residential building sites, and one area is able to assess CMPs and/or certain permit types. The consequence of, for example, having one area that can inspect and one that can enforce means two officers would have to go to a site. There are also instances where no officers possess the knowledge to inspect a factor and no officers are able to enforce. There are instances where there is a double up in areas that handle the various factors involved with residential building sites.

Currently 18 factors associated with residential building sites are characterised as being in the ideal state and 24 are characterised as not being in the ideal state.

The Lean 8 wastes methodology was used to identify the impacts on the organisation of having 24 factors that were not in the ideal state. There were 24 instances of defects and extra processing. These can be characterised as rework caused by (e.g.) one officer going to a building site and during the inspection identifying a permit violation but not having the delegated authority to enforce. The officer then has to return to council and ask a delegated officer to attend the site with them in order to issue an infringement. This is also an example of overproduction as more resources are used than are required, and of transportation and motion as two trips are required. Having areas that have the knowledge and skill to inspect

¹ e.g. 604s (both hoardings and gantries), building over easement, noise controls, mud on road, road closings, vehicle crossings, work zones, skips.



building site factors, but who are then unable to issue infringements, is a very good example of non-utilised talent.

Waiting occurs when (e.g.) one area is given a CMP or permit application to assess and they say it should go to another area. This is due to a lack of organisational clarity around roles and responsibilities for each factor of residential building sites.

Characteristics of residential building site complaints

The number of planning permits approved for multi-dwelling developments for 2014 to 2016 was reported from Pathway. Most approvals were for sites with 2 to 5 dwellings although there has been a slight increase in permits approved for 6 to 10 dwellings.

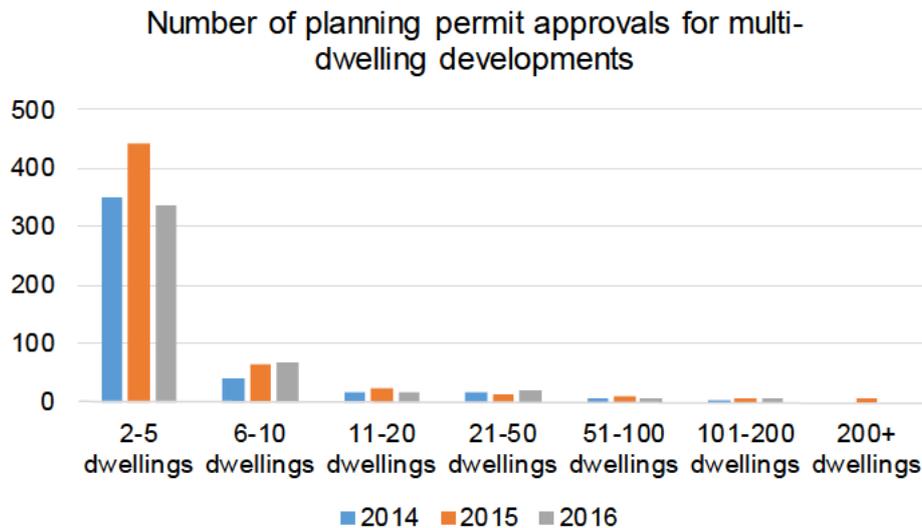


Figure 4: Number of planning permit approvals for multi-dwelling developments for 2014 to 2016 (Source: Pathway)

This data was then interrogated through Pathway to cross tabulate multi-dwelling site addresses that had a planning permit approved in 2014, 2015 or 2016 where the property was also associated with a CRS complaint about a building site related issue (e.g. mud & debris – building works, noise – plant & equipment, obstruction footpath - building works). Please note that this data does not include multi-dwelling construction sites that received no CRS complaints about building site related issues.

Figure 5 shows that there has been a rise in CRS complaints associated with residential building sites. It should also be noted that the largest percent change in complaints was in Pascoe Vale South, followed by Brunswick West and Brunswick. With the predicted growth in Brunswick East we can expect a sharp increase in building site related complaints in future years.

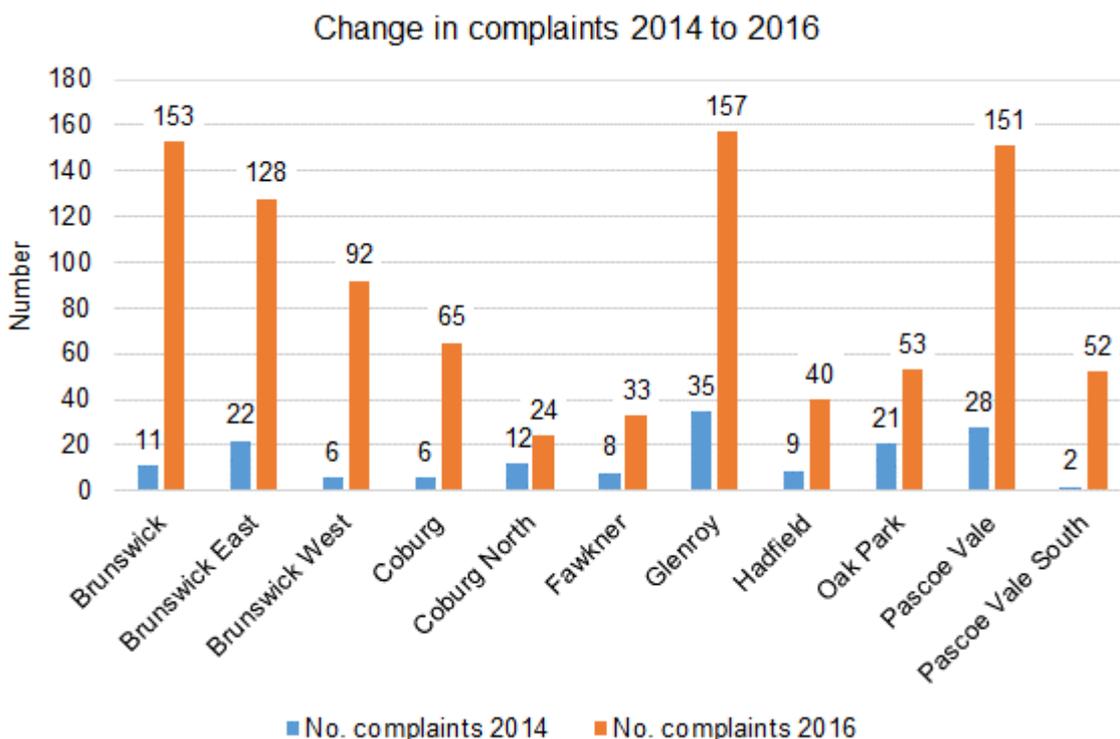


Figure 5: CRS complaints associated with residential building sites by suburb for the calendar years of 2014 and 2016 (Source: Pathway)

Further analysis of building site related complaints was undertaken. Unsurprisingly, given that the greatest number of sites in the municipality comprised 2-5 dwellings it appears that most complaints concern sites of this size (Figure 6).

However, to obtain a true reflection of projects that attract the most complaints, a percentage rather than whole number is a more accurate measure. This is seen when the data is analysed in terms of the average number of complaints per dwelling site type (Figure 7). As shown in Figure 6 the largest number of building site related complaints are associated with sites of 2-5 dwellings. However, when this metric is the average number per site it shows that these sites receive a low number of complaints, averaging at 2 complaints per site. A visual scan of the data revealed that the majority of sites with 2-5 dwellings receive 1 building site related complaint. The average of 2 per site is due to a few sites receiving many complaints which affects the overall result.

As can be seen in Figure 7 as the number of dwellings on a site increases the average number of complaints increases. Generally speaking, sites of 51 or more dwellings are impacting on public amenity and this result in a large number of complaints to council.

It is worth noting that sites with a larger number of dwellings may take longer to complete than those with a smaller number of dwellings and this could have an impact upon the number of complaints associated with sites over time.

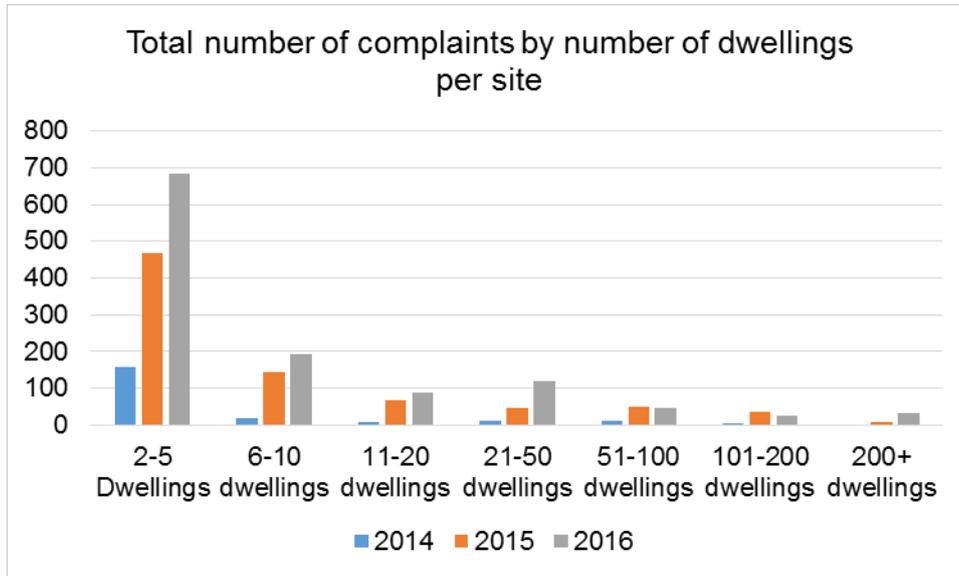


Figure 6: Total number of building site related CRS complaints 2014 to 2016 (Source: Pathway)

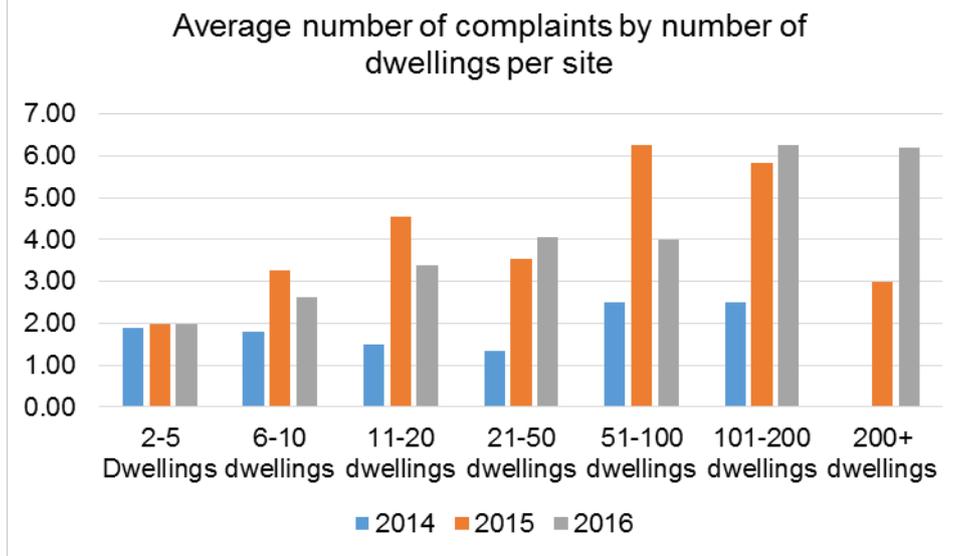


Figure 7: Average number of building site related CRS complaints 2014 to 2016 (Source: Pathway)

An analysis of the most common complaints associated with the residential building sites was undertaken in order to understand the knowledge and skill set that officers require to address these complaints. This applies both to officers who would assess an incoming CMP and those who would inspect and enforce the sites as the build was taking place (for both CMP and non-CMP sites).

Based on the 15 most common complaints, officers assessing CMPs would need to understand how effective suggested noise mitigation measures would be, question the impact of site workers on nearby parking, consider measures suggested to prevent mud and debris, and assess whether site storage is adequate to prevent footpath obstruction etc.

Officers who inspect sites would need to be able to identify if the builder was adhering to all of the measures aimed at minimising the effect of the build on public amenity, public safety and council assets. These measures would be either outlined in a CMP or required by a



Local Law or Act of parliament. For example, they would need to be able to determine if the noise mitigation measures either stated in a CMP, required by a Local Law or the Environment Protection Act 1970 (including guidelines for determining unreasonable noise) were those being used on-site.

They should also be able to measure noise levels to ensure that the mitigation measures were effectively reducing the impact on public amenity.

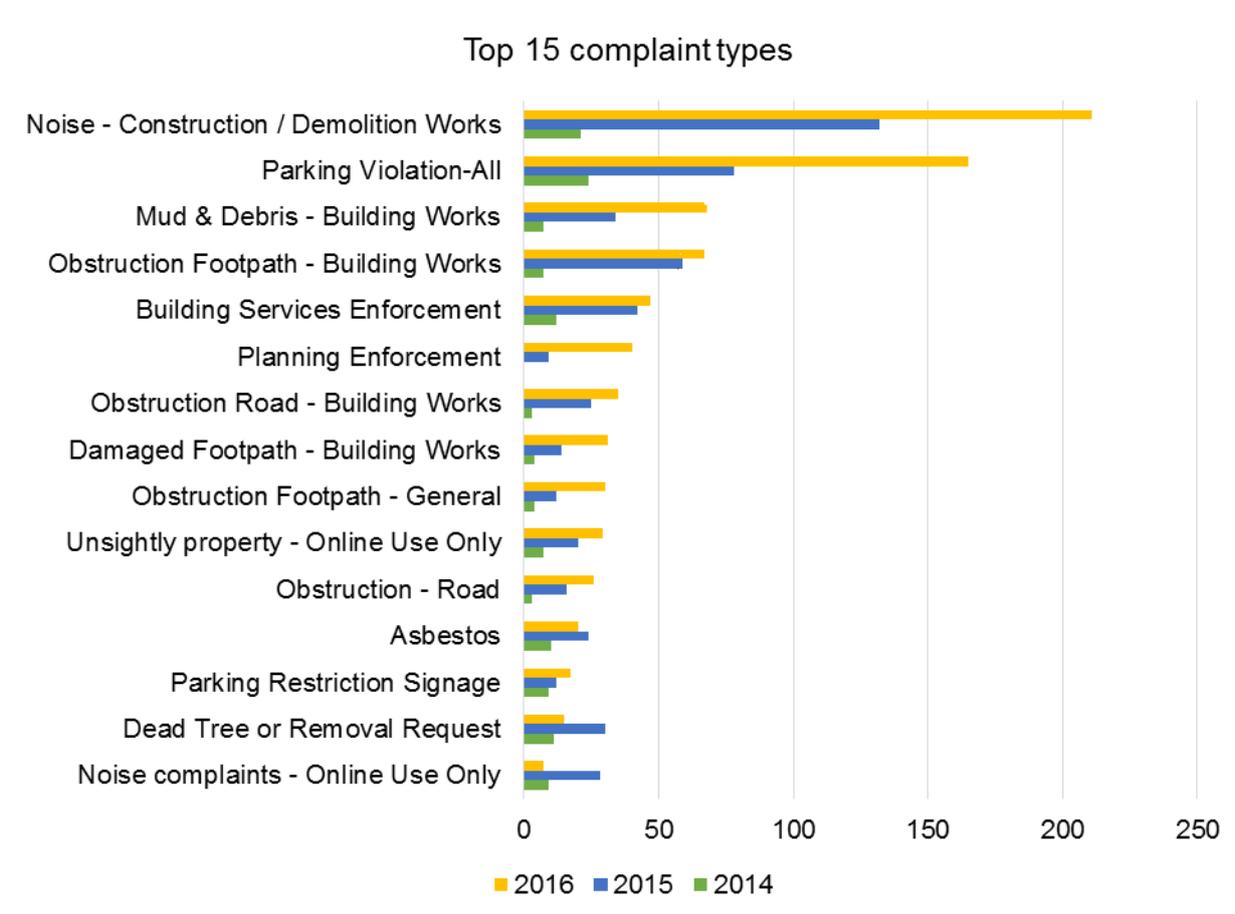


Figure 8: Top 15 building site related complaint types 2014-2016 (Source: Pathway)

Benchmarking against other councils

Benchmarking visits were undertaken with Yarra City Council, Port Phillip City Council, Melbourne City Council, Kingston City Council, City of Whitehorse and Moonee Valley City Council. These councils were chosen as they are known to have a process for the requirement of CMPs at certain sites and be good at ensuring residential construction sites are acceptably managed, or were similar to Moreland, or were suggested during the benchmarking interviews.

The information gathered included their journey to requiring CMPs at certain sites, the structure, job design, CMP specific information, the effect of having a CMP inclusive construction management regime and their definition of success. This report will be limited to the models that were encountered and their benefits and limitations.



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One thing all of the councils had in common is that officers had a caseload of 30 to 40 CMP sites at any one time (with the exception of Kingston which is at the early stages of the residential building boom and Whitehorse who do not have a co-ordinated approach). The other was that CMPs were not required for all residential building sites in their municipality. All benchmarked councils had a list of criteria that acted as a trigger for requiring a CMP.

Yarra City Council

Their Construction Management Branch is comprised of:

- Municipal Building Surveyor – building permits, building compliance, essential safety measures
- Construction Management Support Unit – issue the permits, building administration support, infringement management
- Construction Enforcement Unit – CMP enforcement officers
- Construction and Development Unit – reinstatement officers and construction engineers.

At Yarra Council CMP officers generally have a background in occupations which involve customer service and conflict resolution (e.g. hospitality, insurance assessors) and are then upskilled on the job. Cases are assigned based on areas which enables officers to patrol within set localities. Officers carry out a pre-inspection, inspections during the build and post-inspections. The number of inspections undertaken depends on the characteristics of the site. CMP officers monitor and issue fines for all site matters – asset protection, noise, dust, spoil, hours of operation, road openings/closings, parking, checking that the site is being built as per the plans and the landscape is as per the permit. They also deal with non-CMP sites but just check on asset reinstatement, give the road occupation consent, check noise and dust issues, and monitor start/finish times. They do not check that the structure is built to the plans.

Site visits by CMP officers are proactive and occur regularly. Yarra take an 'enforcement is education' approach. When a CMP officer sees a violation they approach the building site manager, explain the issue and let the manager know that an infringement will be forthcoming. Their zero tolerance policy tends to result in a number of infringements being issued at the beginning of the build which halts once the builders realise they are highly likely to be caught and fined for non-compliance.

Melbourne City Council

Melbourne Council handles residential building sites and CMPs through their Construction Management Group. While the branch has a Municipal Building Surveyor, a Deputy Municipal Building Surveyor and building surveyors they mainly deal with POPEs (places of public entertainment) and illegal buildings. Melbourne Council does have a planning enforcement arm. These officers make sure that the build is as per the plan. If they see a breach of the local law on a building site they contact the Construction Management Group.

The Construction Management Group consists of 2 seniors and 5 support staff, all of whom are authorised officers. The support staff issue the permits and administer the bond deposits. While the two seniors manage the large building sites they are encouraging the support staff to go out and carry out inspections of the simpler aspects such as ensuring the builder has a skip permit and that the work zone is not being used out of hours.

One of the seniors triages the work as it comes in and issues the 604s (public protection works e.g. gantries). Major sites are allocated to the seniors based on workload rather than looking after specific areas. The seniors rotate after hours call outs (week on, week off). The team act as the central point of reference when they receive a CMP. They go out to the



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experts in council to review their aspect of the CMP (e.g. arborist if a tree may be affected). They collate the information and either approve the CMP or ask for alterations based on the feedback from the experts.

All team members are recruited for their people skills and as the bandings increase there is an expectation that the candidate has some local laws or construction experience.

They try and carry out regular, proactive site visits but are frequently unable to do so due to competing work commitments. The group take an educational approach to their sites, preferring to identify issues and point them out to the building site manager. Unless the breach is endangering public safety the building site manager is given time to rectify the issue. At Melbourne City building site management is based on having a good relationship between the builders and council's officers.

Port Phillip City Council, Kingston City Council, Moonee Valley City Council

At the councils of Port Phillip, Kingston and Moonee Valley they have one CMP officer. Each council has chosen a different job title:

- Construction Liaison Officer
- Major Projects Permitting Officer
- Planning Intervention and Enforcement Officer.

For the sake of simplicity they will be referred to as CMP Coordinators. In each case the addition of a CMP Coordinator is fairly recent and they are still refining their approach and the materials available to developers and builders.

All three CMP Coordinators act as the central point of contact for CMPs and send them out into the organisation for assessment. This information is collated by the Coordinator and sent back to the builder/developer.

Site management is based on having a good relationship between the builders and council's Coordinator. Each Coordinator preferred to educate rather than enforce. Two of the Coordinators were unable to enforce as they are not authorised officers. If they do see something that is of concern they contact the local laws officers to inspect the site and issue an infringement. One Coordinator was an authorised officer. In all cases the Coordinators were reporting/enforcing public safety violations. They chose to point out other site issues and give the builder a timeframe in which to rectify the matter.

At the time of the interview Kingston and Moonee Valley councils were thinking about moving to having a CMP team headed by a Coordinator. As this was at its very early stages there were no further details.

Whitehorse City Council

The visit to Whitehorse Council did not inform this review as they are handling CMPs sites in much the same manner as we do here at Moreland.

Summary of benchmarking models

It was found there were three models for dealing with CMP assessment and handling sites with a CMP:

1. A branch which deals with most aspects related to residential building sites: assess CMPs, issue permits, asset protection, CMP site officers, infringement issuing and follow up. This allowed for most CMP related issues to be dealt with by the one area. They were able to proactively inspect sites with CMPs to ensure compliance.



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2. A team with CMP senior officers and a small team who mostly handle the administration matters (e.g. issue fines, issue permits, follow up fines etc.). CMPs were assessed by the areas in council who were subject matter experts. It was found that proactive inspections were carried out on an ad hoc basis as the seniors often had to prioritise other work matters.
3. A single CMP Coordinator who sent CMPs out for assessment by the areas in council who were subject matter experts. They acted as a liaison between builders and council. Their ability to proactively visit sites with CMPs was limited and they relied on their relationship with builders to get them to rectify non-compliant site matters.

Benchmarking revealed that proactive enforcement of CMP sites was the most successful way in which to identify non-compliance with CMP conditions. This resulted in issues being dealt with and a concomitant reduction in complaints.

Information available to owners/builders

Work was undertaken to find out how easy it was for builders/developers to know what permits were required for residential building sites and to know what Council's expectations are in terms of mitigating effects of the build on public amenity, public safety and council assets.

Information about building in Moreland was categorised as proactive and reactive. Any information that was available to a builder/developer to acquaint themselves with our expectations before sending in their building permit was deemed to be proactive as they could search this information out for themselves at any time in the planning process (or even before the process started). Any information that was received after sending in their building permit was deemed to be reactive as it was only when they received information from council that our expectations were made clear.

Council's website is the main source of proactive information gathering. Contacting council is the other method but we are unable to source data to find out how often this happens. An assessment of the website showed that there is step-by-step information about the process when wanting to apply for a planning permit. However, there is no such information once the build begins. Additionally, the permits that may be needed are all on separate web pages and people cannot get a single overview about what may be required.

When a building permit is submitted to council a letter is sent to the submitter outlining the requirement for an asset protection permit. It is at this point that the owner/builder is informed of some of the additional permits that may be required and told that there are Local Laws which must be obeyed. If a vehicle crossing permit or a hoarding permit are required once again the owner/builder is given additional information that was not easily available to them prior to receiving communication from council. This places the owner/builder in the position of reacting to information which they had not previously known, nor could it be easily accessed via our website.

Are Builders Obtaining the Required Permits?

Permit types routinely required at multi dwelling construction sites include Asset Protection Permits, Hoarding/Street Occupation Permits, Road Opening Permits, Temporary Road Closure Permits, Skip Permits, Drainage Connection Permit, Legal Point of Discharge, and Vehicle Crossing Permits. Many of these permit types are consistently applied for as there are unavoidable planning and building controls that provide a suitable trigger. In the case of achieving a final subdivision approval, it is possible to ensure that many key permit types



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have been taken out for the type of work that has occurred. However, it should be noted that Road Opening Permits and Temporary Road Closure permits are the most likely to be avoided or misused by builders. For any new development, up to seven Road Opening Permits could be required (Gas, Water, Sewer, Telecommunications, Power, Stormwater and reinstatement of damaged assets), but will not be required at every site. Temporary Road Closure Permits are required where works are occurring in the road reserve (where there is no excavation of the road, footpath or nature strip). Typical examples of works requiring Temporary Road Closure Permits include concrete pours from the road, mobile cranes, operating scissor lifts and cherry pickers for façade works. They can also be used for exemption from parking restrictions for planned works. Since these permits are not always required, workers operating without a permit are only detected by proactive inspections or in response to a complaint.

Open Space permits and Council Property licence agreements are rare for construction sites and are assessed on a case by case basis. Without a clear and predictable process, it is likely that open space areas alongside construction sites will be impacted without a permit or licence in place.

Voice of the developer

Unable to pre-empt all construction methods of builders who are competing to deliver the project. This level of detail should be available by the time a building permit is applied for.

Voice of the builder

Builders regularly complain that it is difficult to determine what permits are required and when they must be applied for. Builders would benefit most from being advised of all required permits and processes at the start of the job, or better yet, be able to know before they quote the jobs. There is frustration with multiple permits relating to the same thing, such as drainage connection permits, legal point of discharge and a road opening permit for a stormwater connection. At present, the builder finds out about required permits from the Asset Protection Officer attending the site. There is also frustration where approvals from VicRoads are required, but the process is managed by Council, as is the case with Vehicle Crossing Permits.

Asset damage and cost to Council due to errors in processes or missing steps

Whilst it is common for footpath and nature strip damage to occur during building construction activity, the Asset Protection Bond and final inspections required by Asset Protection Officers is an effective means to ensure all assets damaged by construction activity are reinstated at completion of building works. A more complicated issue is the utility service connections required to new developments, which include power, telecommunications, water and gas. All of these can require trenching across the road, footpath and nature strip. Furthermore utility companies have a number of exemptions under the *Road Management Act 2004* and their respective acts. This limits Council's ability to coordinate their activities with Council inspections and works at nearby construction sites. This also wastes officer time when determining the group responsible for poor reinstatements and can cause confusion about who is ultimately responsible for hazards near reinstatements. Furthermore, members of the public are likely to associate utility works crews with the builders and request enforcement from Council which is not always possible with utility exemptions.

Do current local laws and civic laws cover all issues?

Council's *General Local Law 2007* and *Environmental and Civic Assets Local Law 2014* neither include any reference to construction management plans, nor do they include



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reference to activities for which a Temporary Road Closure Permit would be required (ie crane, concrete pour, cherry picker being used on the road/footpath). It is recommended that Council's Local Laws be revised to include reference to both these items, to streamline the efficiency of future enforcement activity and to be more transparent in what is expected of builders working in Moreland.

There is opportunity to utilise powers under the *Road Management Act 2004* for enforcement of works occurring in the road reserve without consent of the Coordinating Road Authority.

There is also opportunity to utilise powers under the *Environment Protection Act 1970* for addressing unreasonable noise at construction sites. There is also scope within existing *General Local Law 2007*. Benchmarked Council's utilised sound sampling equipment to support their enforcement activity. Council's Authorised Officers could benefit from acquiring this equipment and being trained in its use.

Summary

With the large amount of residential building growth about to be experienced a review of how such construction is handled in Moreland was timely. This growth is going to occur differently in the North of the municipality compared with the South. The North will grow due to a large amount of infill development consisting of 3 to 7 townhouses of 1 to 2 storeys whereas the growth in the South will mostly consist of large apartment blocks.

Interviews with internal stakeholders revealed that improved systems for requiring or assessing CMPs is required, and that current resource levels do not allow the capacity to proactively monitor sites which have CMPs. An assessment of which areas have the knowledge/skill to inspect sites and identify violations and those that have the authority to enforce revealed some mismatches. Some areas were able to enforce, but did not have the knowledge/skill inspect while others had the knowledge/skill to inspect, but did not have the authority to enforce.

Work was also undertaken to find out how simple it was for builders/developers to know what permits were required for residential building sites and to know what council's expectations are in terms of mitigating effects of the build on public amenity, public safety and council assets. This review revealed that council does not have a one-stop-shop that builders/developers can use to proactively understand council's expectations, nor understand what permits are required at each stage of development.

Benchmarking with other councils took place and it was found there were three models for dealing with CMP assessment and handling sites with a CMP:

1. A branch which deals with most aspects related to residential building sites: assess CMPs, issue permits, asset protection, CMP site officers, infringement issuing and follow up. This allowed for most CMP related issues to be dealt with by the one area. They were able to proactively inspect sites with CMPs to ensure compliance.
2. A team with CMP senior officers and a small team who mostly handle the administration matters (e.g. issue fines, issue permits, follow up fines etc.). CMPs were assessed by the areas in council who were subject matter experts. It was found that proactive inspections were carried out on an ad hoc basis as the seniors often had to prioritise other work matters.
3. A single CMP Coordinator who sent CMPs out for assessment by the areas in council who were subject matter experts. They acted as a liaison between builders and council. Their ability to proactively visit sites with CMPs was limited and they



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relied on their relationship with builders to get them to rectify non-compliant site matters.

One thing all of the councils had in common was that officers had a caseload of 30 to 40 CMP sites at any one time (with the exception of Kingston which is at the early stages of the residential building boom and Whitehorse who, in common with Moreland, do not yet have a co-ordinated approach). The other was that CMPs were not required for all residential building sites in their municipality. All benchmarked councils had a list of criteria that acted as a trigger for requiring a CMP.

In order for council to ensure that the influx of residential development has minimum impact on assets and resident amenity it will be necessary to make CMPs a requirement for sites that reach certain triggers. These triggers will need to be carefully defined as it was found during benchmarking that officers dedicated to CMP sites are able to proactively inspect 30-40 sites.

A coordinated approach to CMP assessment will need to be developed and agreed upon by the respective areas of expertise throughout council. Benchmarking revealed that proactive enforcement of CMP sites was the most successful way in which to identify non-compliance with CMP conditions. This resulted in issues being dealt with and a concomitant reduction in complaints.