

Environment and Planning Client Alert

18 November 2009

New Government Funded Social Housing Provision

All Victorian Planning Schemes were recently amended with the introduction of a new clause¹ intended to support social housing projects funded under the Social Housing Initiative of the Commonwealth Government's nation-building economic stimulus plan.

The new provision is of interest in the context of the Federal and State Government's responses to the Global Financial Crisis, the need to address chronic social housing shortages and the importance of designing attractive social housing from an urban design and community perspective.

With a view to enabling social housing projects funded under the Social Housing Initiative to get underway, the new provision is intended to streamline the planning permit application process by:

- making the Minister for Planning the responsible authority for applications to use land for accommodation or for building and works in association with proposals that have been recommended for funding under the Social Housing Initiative by the Department of Human Services (Office of Housing Victoria);
- allowing the Minister to waive or reduce the application requirements. Conceivably, this could be used by the Minister to waive the need to comply with, for instance, local planning policy;
- exempting applications from notice and review, including review rights of objectors. As such, there will be no Victorian Civil and Administrative Tribunal review, including by objectors; and
- providing broad discretion to the Minister in terms of decision guidelines. This includes only having to consider the "comments from the relevant council" "as appropriate". As such, the Minister could approve a use or development despite opposition from the relevant Council.

The requirements for a planning permit application under the new provision are as follows:

- written confirmation from the Department of Human Services (Office of Housing Victoria) that the application is a priority project and recommended for funding under the Social Housing Initiative; and
- certification from a suitably qualified town planning consultant declaring that the application lodged with the Minister is consistent with the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies and contains all necessary information to enable the Minister for Planning to make decision. The provision does not express who qualifies as a "suitably qualified town planning consultant".

Further information on the new provision and the application process is set out in a Department of Planning & Community Development advisory note.² The advisory note states that the Department of Planning & Community Development will provide the relevant Council with a copy of the application and an opportunity to comment. An interdepartmental working group may also be set up to provide advice to the Minister for Planning on matters such as design, quality, access and traffic arrangements, vegetation or heritage conservation. The Minister may also refer the application to an advisory committee.

The new social housing provision expires on 30 June 2012. Time will tell whether the new provision is seen as a success, both in terms of its effectiveness in delivering economic stimulus during its brief period of operation, and then in terms of its legacy with regard to the social housing projects that are created.

If you require further information or have any queries regarding the new provision, please contact:



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¹ The new provision was introduced on 22 May 2009 and is contained at clause 52.41 of all Victorian Planning Schemes.

² Amendment VC56 Government Funded Social Housing, Advisory Note, May 2009.

DISCLAIMER

The information contained in this alert is intended as general commentary and should not be regarded as legal advice. Should you require specific advice on this topic, please contact the author/s directly.