

# Projects on behalf of Homes Victoria

Guidance Note v2.0 May 2024

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## Introduction

Victoria’s Big Housing Build program is an unprecedented \$5.3 billion investment in social and affordable housing. It will deliver over 12,000 new dwellings, including 9,300 new social housing dwellings and replace 1,100 existing homes. The investment will be delivered throughout Victoria and will boost the total supply of social housing in the State by 10 percent.

Clause 52.20 *Victoria’s Big Housing Build* and Clause 53.20 *Housing by or on behalf of Homes Victoria* were introduced on 1 December 2020 through Amendments VC187 and VC190 to the Victoria Planning Provisions. These policy changes were introduced to support the rapid delivery of social and affordable housing.

Social and affordable housing projects will be funded by a range of initiatives through Homes Victoria and delivered either:

- by the Homes Victoria; or
- on behalf of the Chief Executive Officer of Homes Victoria (CEO) by other external agencies (such as community housing providers or developers).

Applicants seeking to deliver housing ‘on behalf of’ the CEO are required to demonstrate compliance with this guideline to ensure that the social and affordable housing projects are of high-quality design and that consultation has been undertaken appropriately. Guidance on consultation is provided within a separate *Homes Victoria Consultation Guidelines*.

## Purpose of this guideline

The guideline provides the principles, criteria and requirements that the CEO will consider in determining whether a project can be undertaken 'on behalf of' the Homes Victoria. Written confirmation that a project is 'on behalf of' the CEO is an application requirement for any project seeking to access the streamlined planning provisions of Clauses 52.20 and 53.20.

## Assessment process

Where the CEO is satisfied that a project is informed by the principles, and meets the criteria and requirements below, the project will be granted 'on behalf of' the CEO status through written correspondence.

Where the CEO is not satisfied that a project meets the criteria and requirements below, the CEO may request the applicant undertake further alterations to the project. This may require further consultation/engagement with the Office of Victorian Government Architect (OVGA), the relevant council, service providers (e.g., referral authorities), the local community and the Department of Transport and Planning (DTP), before 'on behalf of' status is considered by the CEO.

After a project receives 'on behalf of' the CEO status via written correspondence, the proponent will make an application, either under Clause 52.20 or 53.20 to the relevant Responsible Authority for consideration and determination. The Responsible Authority is the Minister for Planning (the Minister) for projects submitted under Clause 52.20, and for projects under 53.20 seeking ten dwellings and above. DTP is responsible for the management, assessment and recommendation to the Minister for these applications. The relevant council is the Responsible Authority for projects to be considered under Clause 53.20 seeking less than ten dwellings.

Where projects are not granted 'on behalf of' the CEO status, or this status is not sought – an applicant may seek planning approval through the other planning process such as a planning permit issued under the relevant planning scheme.

Note: The CEO's written confirmation does not supersede or substitute a formal planning assessment and decision by the Responsible Authority.

## Principles

The following principles guide the CEO in determining which projects are eligible to be undertaken on the CEO's behalf. The expectation is that the CEO will support projects that:

**Principle 1:** Demonstrate public benefit through the provision of new social and/or affordable housing.

**Principle 2:** For development comprising social housing dwellings, assist households on the Victorian Housing Register.

**Principle 3:** Maximise the longevity of the social and/or affordable housing provided.

**Principle 4:** Achieve mixed, inclusive, diverse and balanced communities.

**Principle 5:** Achieve good planning and urban design outcomes.

## Criteria

Projects that seek 'on behalf of' the CEO status should meet all the criteria specified below unless otherwise agreed upon in writing by the CEO:

**Criterion 1:** The project comprises:

- at least 30% of dwellings for social housing; or,
- if less than 30% of the dwellings in the proposal are social housing, at least 75% of all dwellings should be a combination of affordable and social housing, with at least 10% being social housing.

**Criterion 2:** The social or affordable housing:

- will be owned or managed by either the CEO or a registered housing agency; or,
- the CEO has a financial or proprietary interest in the social or affordable housing or the land on which the housing is built.

**Criterion 3:** The project is informed by and responds appropriately to Homes Victoria's Design Principles (see **Attachment 1**).

**Criterion 4:** The CEO is satisfied that the applicant can continue to comply with the relevant requirements below and any other relevant ongoing requirements the CEO outlines in written correspondence.

## Requirements

Projects seeking 'on behalf of' the CEO status must meet the following requirements before an assessment is undertaken.

It is strongly recommended that applicants meet these requirements before requesting 'on behalf of' status from the CEO.

Unless with the written consent of the CEO, failure to meet all requirements below may result in delays in the process to grant 'on behalf of the CEO' status.

### All projects

- All projects must be informed by the strategic planning context and the planning provisions that would ordinarily apply.
- The relevant council and community consultation on the project must be undertaken in accordance with the *Homes Victoria Consultation Guidelines*.
- Proposals over three above-ground storeys and/or 100 dwellings, or are determined to benefit from a formal design review process by Homes Victoria officers, will be referred to the Victorian Design Review Panel through the OVGA.
- Projects over three above-ground storeys and/or 100 dwellings must adhere to 7-star NatHERs the requirement for a minimum 7 star NatHERs thermal performance rating for class 1 properties, or 7 star minimum average for class 2 dwellings, with no individual dwelling below 6 stars. Projects of this scale must also achieve and 5-star Green Star Buildings or Green Star Homes environmental design standards certified rating as applicable to the building type or other equivalent standards agreed by the CEO.
- Projects under three above-ground storeys and/or 100 dwellings must adhere to the requirement for a minimum 7 star NatHERs thermal performance rating for class 1 properties, or 7 star minimum average for class 2 dwellings, with no individual dwelling below 6 stars.
- All dwellings must be specified with all-electric services, with reverse cycle air conditioning for space heating and cooling.

- Aspects of the development not related to social or affordable housing, including private housing or other section 1 uses under the applicable zone, must demonstrate acceptable compliance with the planning provisions that would ordinarily apply.
- The CEO's written confirmation will expire if an application is not made within two years of the date of the written confirmation.
- For a project that seeks to materially change its development from the plans or documentation for which the CEO's written confirmation was given, the project will be required to reapply for the CEO's written confirmation. A material change includes, but is not limited to, changes in the proposed number of dwellings, significant changes to the proposal's design response, and the introduction of a new use.

## Social housing dwellings

Where the housing is not owned or managed by the CEO, it must be demonstrated that the dwellings will be used for social housing for a meaningful period. This includes the assurance that:

- the social housing will be managed by a registered housing agency for at least 20 years with a commitment to house eligible participants from the Victorian Housing Register in accordance with any agreement with the CEO specifying the cohorts to be housed; and
- the CEO's interest is to be registered on title, or, the long-term use is assured through a section 173 agreement under the *Planning and Environment Act 1987* or another instrument, as applicable.

## Affordable housing dwellings

Where the housing is not owned or managed by the CEO, it must be demonstrated that the dwellings will be used for affordable housing for a meaningful period. This includes assurance that:

- the affordable housing will be owned or managed by a registered community housing agency (who is also a Participating Agency for the purposes of the Victorian Housing Register) and must only house those eligible for affordable housing as defined at s.3AA Planning and Environment Act 1987 and the associated Governor in Council order; and
- the CEO's interest is to be registered on title, or the long-term use is assured through another suitable agreement or instrument, as applicable. Such instruments should allow for changes to the approved housing, including replacement, over time with the CEO's consent.

Projects targeted toward affordable home ownership or similar structures are unlikely to be accepted as 'on behalf of' the CEO.

## Making an application

An application for a project to be considered as 'on behalf of' the CEO must be made to Homes Victoria's Statutory Planning team via [statutoryplanningsupport@homes.vic.gov.au](mailto:statutoryplanningsupport@homes.vic.gov.au) CEO and must provide the following information as part of the application:

- a. Name of the person or organisation making the application and relevant contact details.
- b. The land address, a current copy (within the last 30 days) of a registered search statement for the land title, a plan of subdivision and any restrictions and any encumbrances or covenants registered on the title.
- c. The proposed dwelling yield, bedroom mix and tenure including identifying proposed social housing, affordable housing and open market housing.
- d. A complete set of plans, elevations and images depicting the proposal for which planning approval is being sought, drafted to a high degree of clarity and design detail.
- e. Relevant expert reports that demonstrate the appropriateness of the proposal and whether it complies with the relevant planning scheme, as appropriate, but not limited to:
  - Planning Report
  - Landscape and Urban Design;
  - Traffic and Car Parking;
  - Environmentally Sustainable Development (ESD) and Water Sensitive Urban Design (WSUD);
  - Waste Management;
  - Architecture and Design Review.
  - Wind Impact Assessment.
- f. A written assessment of how the proposal meets the principles, criteria, requirements and Homes Victoria design principles set out in this guidance note and Attachment 1.
- g. Written feedback from the relevant council in advance of submitting a project. Key feedback relating to areas of council responsibility such as planning outcomes, waste, traffic management, parking, and other council services typical to pre-application comments should be submitted as part of any application.
- h. For projects to be considered under Clause 52.20, applicants must provide evidence of other required planning approvals or an acceptable strategy for timely achievement of those approvals, such as permission to remove restrictive covenants, certificates or statements of environment audit, Cultural Heritage Management Plans and other site-related approvals that cannot be approved under Clause 52.20.
- i. A consultation report summarising the findings and outcomes of the consultation processes undertaken in accordance with the *Homes Victoria Consultation Guidelines*.

Applicants must provide all relevant information, supporting material and documentation to Homes Victoria's Statutory Planning team as soon as practicable to inform the CEO's 'on behalf of' assessment.

The above is not an exhaustive list and does not preclude the CEO from seeking further information to inform the assessment.

**IMPORTANT:** An 'on behalf of the CEO' written confirmation only provides eligibility for projects to be submitted and considered under the streamlined planning provisions of Clause 52.20 and Clause 53.20. It does not substitute a planning approval or decision by the Responsible Authority.

## Definitions

**Affordable Housing** is defined at s.3AA Planning and Environment Act 1987 as housing, including social housing, which is appropriate for the housing needs of any of the following:

- a. very low-income households
- b. low-income households
- c. moderate-income households.

**Community Housing** is secure, affordable, long-term rental housing managed by not-for-profit organisations for people on low incomes or with special needs. Community housing agencies are registered and regulated by the state government ([www.housing.vic.gov.au/community-housing](http://www.housing.vic.gov.au/community-housing)).

**Social Housing** is defined at s.4 (1) Housing Act 1983 as:

- a. public housing
- b. housing owned, controlled or managed by a participating registered agency.

**Public Housing** is defined at s.4 (1) Housing Act 1983 as non-profit housing in the public sector.

**Project** includes all aspects of a proposed use, development or planning permit application.

**Registered Agency** is as defined under s.4 (1) Housing Act 1983.

If you would like to receive this publication in an accessible or interpreted format, phone 1300 650 172, using the National Relay Service 13 36 77 if required, or [email Homes Victoria <enquiries@homes.vic.gov.au>](mailto:enquiries@homes.vic.gov.au).

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## Attachment 1: Design Principles for Homes Victoria's Developments



**Contextual development:** Locate higher density projects where there is good access to public transport and employment



**Familiarity:** Adopt a conventional character for streets, spaces and buildings irrespective of tenure



**Neighbourliness:** Protecting neighbouring amenities including access to sunlight, privacy and visual amenity



**Liveable homes:** Provide comfortable, energy efficient and durable buildings



**Sense of place:** Strengthen the neighbourhood character by capitalising on positive site features and introducing attractive landscaping.



**Safe streets:** Ensure public spaces, streets, paths and building entries are legible and safe



**Community:** Blend with the surrounding neighbourhood, provide direct connections and shared spaces.



**Adaptability:** Design buildings and spaces to support people of all abilities and the changing needs of households over time



**Active transport:** Prioritise walking and cycling through convenient and safe streets, paths and end-of-trip facilities



**Diversity:** Provide diversity through the application of different housing typologies, building design and tenant mix