

Consultation Guidelines

Guidance Note v 2.0 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 to the Victoria Planning Provisions on 1 December 2020 through Amendments VC190 and VC187, to support the rapid delivery of social and affordable housing while creating jobs and economic stimulus.

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

- by the Chief Executive of Homes Victoria (the CEO); or
- on behalf of the CEO by other external agencies (such as registered Community Housing Agencies or developers).

Applicants seeking to deliver social and affordable housing projects ‘by or on behalf of the CEO’ must demonstrate compliance with the *Homes Victoria Projects on behalf of the Homes Victoria Guidance Note* and this consultation guideline.

This consultation guideline provides information on the level and quality of consultation the CEO of Homes Victoria expects will be undertaken to inform social and affordable housing projects. The CEO of Homes Victoria will determine whether the consultation undertaken meets the expectations of the criteria set out in this guideline before providing written confirmation that a project is 'by or on behalf of Homes Victoria' and/ or funded wholly or partly under the Big Housing Build program. This written confirmation enables applicants to submit projects for consideration under Clause 52.20 or Clause 53.20 of the Victoria Planning Provisions.

Purpose of this guideline

The guideline outlines the CEO of Homes Victoria expectations for consulting with community and relevant stakeholders on social and affordable housing projects.

The CEO of Homes Victoria will decide whether the consultation undertaken responds to the expectations set out in the guideline. The CEO of Homes Victoria will then determine whether a project can be supported and considered as 'by or on behalf of the CEO'.

The guideline aims to promote:

- opportunities for those impacted by and interested in proposals to contribute to the design and delivery of social and affordable housing projects;
- opportunities for key stakeholders such as the relevant council, the community and service providers to provide input into the project design, prior to lodging an application under Clause 52.20 and Clause 53.20;
- consultation with the relevant council and service providers about potential impacts to local infrastructure by the project;
- consultation that is proportionate to the scale, likely amenity impacts, and sensitive interfaces; and
- transparency regarding the proposal and the planning process, including how information and views received have been considered.

Consultation guidelines requirements vs. exemption from notice under Clause 52.20 and Clause 53.20

Homes Victoria recognises the need to engage with the community as an essential step to achieving high quality outcomes for projects. The guideline supports a non-statutory consultation process to ensure that the view of the community and relevant stakeholders are taken into consideration. Undertaking consultation consistently with the guideline is important, acknowledging that Clause 52.20 and Clause 53.20 exempt these projects from undertaking statutory notice and any subsequent appeal rights.

The consultation required under the guideline forms part of the assessment under the *Homes Victoria Projects on behalf of Homes Victoria Guidance Note*.

Homes Victoria has consulted with the Department of Transport and Planning (DTP) in the preparation of the guideline to ensure consistency and alignment with the requirements of Clause 52.20-4 Consultation requirements. Clause 52.20-4 Consultation requirements must be to the satisfaction of the Minister for Planning, who is the responsible authority for all projects under Clause 52.20.

A guide to public consultation

Both Homes Victoria projects or projects by external agencies, on behalf of Homes Victoria, should design a consultation process that is suitable for the development proposal and the community context including where amendments are sought for approved projects informed by **Table 1: Guide to public consultation** below. The

consultation approach should be informed by the project's location, scale of the development, its impacts and the level of community interest.

Table 1 describes the minimum level of consultation expected of an applicant for a project to be considered under Clause 52.20 and Clause 53.20.

Homes Victoria is committed to ensuring high levels of engagement and will undertake additional consultation activities outlined in **Appendix 1**. The additional approach recognises projects led by Homes Victoria may impact existing renters and residents. External agencies undertaking consultation should consider further engagement consistent with **Appendix 1** and other engagement methods depending on the context.

To ensure consultation processes meet the CEO of Homes Victoria expectations, where external agencies have projects exceeding 30 dwellings it is recommended the applicant to seek the endorsement of their consultation plans from Homes Victoria prior to commencing consultation, to ensure they will meet the CEO of Homes Victoria expectations.

Table 1: Guide to public consultation

Number of proposed homes	Who should be consulted	How should consultation occur?	When should consultation occur?	What information should be provided to stakeholders *see also 'information requirements' below
1-9	<p>For projects seeking access to Clause 53.20 – Not required</p> <p><i>NOTE: it is recommended that engagement with infrastructure and service providers (referral authorities) is undertaken before making an application with the relevant council.</i></p>	Not applicable	Not applicable	Not applicable
	<p>For projects seeking to access Clause 52.20:</p> <p>Owners and occupiers of adjoining properties</p> <p>The relevant council officers</p> <p>Infrastructure and service providers (referral authorities)</p>	<p>For adjoining properties: Direct notice to owners and occupiers (addressed) with applicant contact details for feedback</p> <p>For interested parties: At least one sign clearly displayed to each street frontage on the land with applicant contact details</p> <p>For interested parties: Access to technical documents including plans to be available upon request (electronic and hard copy)</p>	<p>Before seeking planning approval</p> <p>Opportunity to provide feedback for at least three weeks, excluding public holidays and the Christmas/New Year period</p>	<p>A letter:</p> <ul style="list-style-type: none"> describing the proposal describing the planning process, and inviting comment by a specified date clearly stating the commencement and end date of consultation attaching a copy of draft development and landscape plans <p>Templates for consultation, including letters and signs, are available by contacting the Homes Victoria Planning team</p>
10-29	<p>Owners and occupiers within 50m of the site boundary</p> <p>The neighbourhood</p> <p>The relevant council officers</p>	<p>For owners and occupiers: Direct notice (addressed) with applicant contact details for feedback</p> <p>For the neighbourhood: At least one sign clearly displayed to each street</p>	<p>Before seeking planning approval</p> <p>Opportunity to provide feedback for at least three weeks excluding public holidays and the Christmas/ New Year period</p>	<p>A letter:</p> <ul style="list-style-type: none"> describing the proposal describing the planning process, and inviting comment by a specified date

Number of proposed homes	Who should be consulted	How should consultation occur?	When should consultation occur?	What information should be provided to stakeholders *see also 'information requirements' below
	Infrastructure and service providers (referral authorities)	frontage on the land with applicant contact details For interested parties: Access to technical documents including plans to be available upon request (electronic and hard copy)		<ul style="list-style-type: none"> clearly stating the commencement and end date of consultation attaching a copy of draft development and landscape plans Templates for consultation, including letters and signs, are available by contacting the Homes Victoria Planning team
30-99	Owners and occupiers within 150m of the site boundary The neighbourhood The relevant council officers and ward councillors Infrastructure and service providers (referral authorities)	For owners, occupiers, council, infrastructure and service providers: Direct notice (addressed) with applicant contact details for feedback. For the neighbourhood: At least one sign clearly displayed to each street frontage on the land with applicant contact details For interested parties: Access to plans and technical reports including technical reports to be available upon request (electronic and hard-copy) Applicant hosted in-person drop-in session(s) Applicants are also likely to be advised to consider additional engagement opportunities (Appendix 1)	Before seeking planning approval Opportunity to provide feedback for at least three weeks excluding public holidays and the Christmas/ New Year period	A letter: <ul style="list-style-type: none"> describing the proposal describing the planning process, and inviting comment by a specified date clearly stating the commencement and end date of consultation attaching a copy of draft development and landscape plans Technical reports such as such as traffic, drainage, landscape and environmental impacts assessments are to be available online. Templates for consultation, including letters and signs, are available by contacting the Homes Victoria Planning team.

Number of proposed homes	Who should be consulted	How should consultation occur?	When should consultation occur?	What information should be provided to stakeholders *see also 'information requirements' below
100+	<p>Owners and occupiers within 150m of the site boundary</p> <p>The neighbourhood and surrounds</p> <p>The relevant council officers and ward councillors</p> <p>Infrastructure and service providers including referral authorities</p> <p>Office of the Victorian Government Architect (OVGA)</p>	<p>For owners, occupiers, council, infrastructure and service providers: Direct notice (addressed) with applicant contact details for feedback</p> <p>For the neighbourhood: At least one sign clearly displayed to each street frontage on the land with applicant contact details</p> <p>For interested parties: Access to plans and technical reports to be available upon request (electronic and hard-copy)</p> <p>Applicant hosted in-person drop-in session(s)</p> <p>Applicants are also likely to be advised to consider additional engagement opportunities (Appendix 1)</p>	<p>Before seeking planning approval</p> <p>Opportunity to provide feedback for at least three weeks excluding public holidays and the Christmas/ New Year period</p>	<p>As per 30–99 proposed homes (see above)</p> <p>Technical reports such as such as traffic, drainage, landscape and environmental impacts assessments are to be available online</p> <p>Templates for consultation, including letters and signs, are available by contacting the Homes Victoria Planning team</p>

Working with councils and infrastructure & service providers

Early and ongoing engagement with the relevant council is a necessary and important component in the design of a project and facilitation through the planning process. Engagement with local infrastructure and service providers (referral authorities) will also be required as part of the consultation process.

Before lodging an application under Clause 52.20 or 53.20, applicant must:

- consult with the local council to discuss the proposal and intent of the project, discuss planning issues, share key contacts and identify known interested community and action groups. This is also an opportunity to discuss relevant local policies and strategies that have been developed, such as housing strategies, Environmentally Sensitive Design (ESD) policies, neighbourhood character studies.
- for projects that triggers the need for consultation, discuss with the relevant council including contact information of owners and occupiers that should be informed about the project, other stakeholder contacts and opportunities to reduce additional administrative burden on council through the process.
- meet with infrastructure and service providers (referral authorities) whose assets or services may be affected by the development.
- provide available draft development plans and technical reports for comment and guidance to the relevant council.
- obtain the recommendations, comments, or requirements of the relevant council and service providers (referral authorities) to ensure projects minimise the likelihood of impacting existing council and service provider assets. The Responsible Authority will need this information to assist in informing their decision.
- consider opportunities to engage with councillors This should be under the guidance of council officers and be reflected in the consultation report.

During and after lodging an application under Clause 52.20 or 53.20, applicants should:

- if requested, provide the relevant council and service providers with a copy of the final document package that forms the application when lodged with the Responsible Authority including all plans, technical reports, supporting material and community consultation reports.
- provide project updates to the relevant council, infrastructure and service providers as the project progresses through its planning assessment.
- provide information to support the relevant council to inform the community and provide information on the progress of the project.

Note: The relevant council, infrastructure and service providers will be expected to respect the confidentiality of applicant's proposals, including any further information required, before engaging in broader community consultation.

Review by the Office of the Victorian Government Architect

Homes Victoria has committed to delivering well-designed homes for all Big Housing Build projects undertaken 'by or on behalf of Homes Victoria'. In support of this commitment, any project proposing more than three storeys and/ or more than 100 dwellings; and project that are determined by Homes Victoria as benefitting from a formal design review process, will be referred to the Office of the Victorian Government Architect (OVGA) Victorian Design Review Panel for an independent review. The OVGA Victorian Design Review Panel consists of experienced, multi-disciplinary experts who can advise the applicant, council, and Homes Victoria on options to improve design outcomes.

The review process typically comprises a face-to-face meeting, submission of plans/diagrams and design review session. Council and DTP will be invited to participate. A summary of the OVGA Victorian Design Review Panel will be published after the process and the final report provided to council and DTP.

Information to be provided by planning applicants

An applicant should always provide as much relevant information as possible to allow community, councils and other relevant organisations an opportunity to provide an informed response to a project.

An applicant is expected to provide copies of any documents electronically, or in hard copy when requested. Access to consultation reports associated with projects funded by the Big Housing Build will be available on the Homes Victoria website.

Information provided through the consultation process should be similar to what would normally be provided for projects being considered under a conventional planning process. Applicants must provide the following information.

Dimensioned plans and images for all proposals

- a site context and description plan
- the proposed development showing site, building and dwelling layouts including habitable windows, vehicles access and parking areas and landscape areas
- building elevations (side on views of a building) either coloured or with a schedule of colours and materials.
- diagrams of the shadows cast by new buildings
- landscape plans – at least to the conceptual level

Additional reports for the proposal (as required)

- planning report
- infrastructure and services assessments
- traffic and car parking assessment
- urban design assessment (as required)
- environmental impacts report i.e., wind, vegetation, stormwater and drainage, noise and air quality, sustainability (as required).

For developments that exceed three above ground storeys and/or more than 100 dwellings

- renders of the building from surrounding viewpoints
- any applicable report from the review by the OVGA Victorian Design Review Panel

An applicant should ensure that information provided is accessible to a range of audiences with a focus on clear information, transparency and providing information in different formats as appropriate.

How will consultation outcomes be considered in the planning application process?

The guideline establishes an expectation that Homes Victoria and other planning applicants will pursue high standards of consultation with the community, councils, service providers and other stakeholder groups. Applicants are expected to consider all submissions received during the consultation process. This may require considering design changes or exploring other ways to address the impact of a development.

Not all matters raised in consultation will be able to be resolved to the satisfaction of the person or organisation raising the issue; however, an applicant must demonstrate how submissions raised during consultation have been considered in the consultation report. The consultation report must be submitted to Homes Victoria to meet the requirements of the Homes Victoria *'Projects on behalf of Homes Victoria'* Guidance Note. This will assist the Responsible Authority (Minister for Planning or council) and other interested stakeholders to understand how community and stakeholder insights have influenced the final proposal.

It is a requirement of Clause 52.20 that any application submitted must include the consultation report.

What happens if a proposal receives planning approval?

The applicant and the relevant council will receive notice of a decision from DTP, where the Minister for Planning is the Responsible Authority under Clause 52.20 of the planning scheme.

For projects that have received a decision under Clause 53.20, the Minister for Planning or the relevant council, as the Responsible Authority, must ensure that the decisions are viewable on a planning permit register as required under section 49 of the *Planning and Environment Act 1987*.

Prior to commencement of construction for all projects that are approved under Clause 52.20 and 53.20, neighbouring owners/occupiers will be notified in accordance with **Table 1** of the guideline. Notification will be in the form of letters and a noticeboard placed to each site's street frontage and located next to the footpath. The notification material must include a phone number and email address for all construction-related enquiries. Homes Victoria officers may request verification that notification has been undertaken.

Access to a copy of consultation reports for projects prepared by Homes Victoria will be made available on the Homes Victoria website. External agencies' projects must provide access to a copy of the consultation report via their own project website. Consultation reports will be publicly available once a decision has been made by the Responsible Authority. Consultation reports must be publicly available for a minimum of six months after construction of the development is completed. External agencies must inform Homes Victoria of any challenges in meeting this requirement.

For significant projects on Homes Victoria land, community members can join project specific mailing lists to receive regular updates through email, and the broader community can access information through Engage Victoria project sites.

Appendix 1: Additional engagement opportunities

In addition to the minimum consultation set out in the guideline, the CEO of Homes Victoria may require applicants to undertake a range of other engagement activities. This may relate to the possible impact of the project, the location, the level of community interest, previous engagement which has been undertaken regarding the site or local area or recommendations from the relevant council based on its previous engagement with the community. The decision for further community and stakeholder engagement is based on appropriateness and response to the scale of the project.

These activities may include:

- In-person workshops
- Online forums
- Interactive online platforms
- In person and online meetings
- Drop in information sessions
- Stakeholder and community design workshops

Community engagement on significant Homes Victoria led developments

Homes Victoria recognises the public interest when redevelopments of its sites occurs and the value of local knowledge in these processes.

To enable community and stakeholder early input into large redevelopment projects, Homes Victoria will undertake a community and stakeholder design workshop for each project that is:

- on Homes Victoria land
- proposed to be over 100 dwellings
- and/or more than three above-ground storeys.

This is particularly important where the development will impact existing Homes Victoria renters and residents.

The purpose of the workshop will be to gather relevant background information and views on the redevelopment of the site and to set out design principles and objectives. These projects may involve a masterplan for a broader Homes Victoria land parcel in conjunction with a more specific development as a part of that plan.

Workshops will be undertaken with representatives from council, residents of the Homes Victoria site or nearby sites, surrounding community members and other key stakeholders. Where there is a high degree of interest, a selection of community members, representative of the community will be nominated as part an interest group to participate in an engagement process. Other participation mechanisms will remain open and available for those who cannot participate in these workshops.

Appendix 2: Glossary of terms

Affordable housing	Housing appropriate for the needs of a range of very low to moderate-income households. The definition of affordable housing is found within Section 3AA <i>Planning and Environment Act 1987</i> .
By or on behalf of Homes Victoria	Homes Victoria or other external agencies can seek to provide social and affordable housing. The term 'by Homes Victoria' , is used when Homes Victoria is the applicant. The term 'on behalf of Homes Victoria' is used when external agencies like community housing agencies are the applicant. Either applicant must comply with the <i>Homes Victoria Projects on behalf of the Homes Victoria Guidance Note</i> and <i>Homes Victoria Consultation Guidelines</i> to receive the written confirmation from the CEO of Homes Victoria that a project is considered by or on behalf of Homes Victoria.
Community housing agencies	Community housing agencies refer to a type of not-for-profit organisation supporting the delivery of social and affordable housing. Community housing agencies offers secure, affordable rental housing for very low to moderate-income households with a housing need.
Decision	The Responsible Authority assesses a planning application and decides whether to approve or refuse a proposed development. The decision of an application made under Clause 52.20 is provided through a letter confirming the application is approved for a permit exemption by the Responsible Authority and accompanied by endorsed town planning plans. The decision of an application under Clause 53.20 is through the issue of a planning permit.
Notice	A planning application is advertised to the community, council, referral authorities and other interested groups through mailed letters and online material.
Public Housing	Public Housing is defined at Section 4 (1) of the <i>Housing Act 1983</i> as non-profit housing in the public sector.
Responsible Authority	A Responsible Authority is responsible for considering and determining planning applications. The Responsible Authority is the Minister for Planning (the Minister) for projects submitted under Clause 52.20 and those seeking ten dwellings and above or apartments under Clause 53.20. The relevant council is the Responsible Authority for projects seeking less than ten dwellings (excluding apartments) and submitted under Clause 53.20.
Social Housing	Social housing is defined at Section 4 (1) of the <i>Housing Act 1983</i> as: (a) public housing (b) housing owned, controlled, or managed by a participating registered agency.
Third party review	The review of a planning decision once a decision is made by the Responsible Authority. A review is typically made through the Victorian Civil and Administrative Tribunal (VCAT) to object to a planning permit or decision. Clauses 52.20 and 53.20 exempts the ability to exercise this right.

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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