



Manningham Inclusive
Community Housing

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Draft Framework Plan and associated Planning Scheme Amendment in the Yarra River - Bulleen Precinct.

- a submission by MICH

1 Executive summary

MICH's purpose is to help young people with an intellectual disability move into a home of their own within their own community. However, house prices and rentals in Manningham are invariably too high for them to afford.

Manningham has a considerable deficit of affordable housing and despite welcome improvements to Manningham City Council's policies and the recent changes to the Victorian Planning and Environment Act, we know of no developers who yet provide suitable homes in Manningham that are 'affordable' to people on a disability support pension.

While the development plan for the land at 9-15 Templestowe Road, Bulleen and the associated planning tool mention the development will include affordable homes, the proposals are vague and seem subject to the developer being able to achieve increases in density and three-levels to some buildings – things that might not be possible or acceptable.

MICH therefore regards this offer to be 'hollow' and typical of how we have seen other developers respond to Section 173 agreements. We strongly recommend that the Advisory Committee asks the Minister impose planning controls to ensure 10% of the development is 'affordable' as defined in his Ministerial Notice of 2018.



2 Background

2.1 What is MICH?

MICH (Manningham Inclusive Community Housing Inc.) is a not for profit body established in 2012 by a group of parents and Manningham community members who continue to be concerned with a lack of accessible accommodation options available to people with an intellectual disability (ID) in the City.

MICH's purpose is to help young adults with an ID, who currently live their lives in Manningham, to maintain and build a meaningful life by staying connected to the places and people within their community, and this means having a home of their own.

Our mission is to:

- assist adults with an ID to stay in their community through access to long-term accommodation within community, thus creating a sustainable home, developing their skills and building community networks.
- successfully facilitate the transition of people with an ID to independent living, through collaborative planning and community action.

In keeping with requirements of the UN Convention on the Rights of Persons with Disabilities, MICH believes that a home is not just the house in which you live and the people with whom you choose to live, but is also the community in which you have chosen to live. A sense of belonging can be found when home is in a broad community where you find ongoing connection to people and places, where you are able to participate and contribute to that community.

2.2 The example of the Tullamore Project

In 2018 MICH brought together developer, Mirvac and housing provider, Community Housing Ltd (CHL), with important support from the Victorian Property Fund, to create new housing for people with an intellectual disability (ID) on the Tullamore Estate.

Last year four young people with a mild ID moved into two, new homes on Tullamore Estate. MICH is providing ongoing support to those young people through its Pipelines and Towards a Better Life programs.



Shari McPhail, CHL's State Manager for Victoria has said:

There is no doubt in my mind that this will be a landmark development in Manningham and symbolic of the strength of the local community.

2.3 The situation in Manningham

MICH's research and practical experience has confirmed that accommodation needs of people with an intellectual disability who live in Manningham are not being met at all (See Section 6, Appendix A). There are no opportunities for affordable accommodation available to them that give them the same choice as that of a typical citizen; choice as to where they live, with whom they live, and in a place that makes sense to them. This situation is exacerbated by the very high property and rental costs in the City and the lack of affordable housing. Currently, like many areas in Australia, Manningham has a deficit of over 1,300 affordable dwellings.

MICH has a waiting list of approximately 40 people in Manningham who are currently either living with their ageing parents or who are in accommodation which is only a short-term option. Not all parents are financially able to purchase a property, enter into equity arrangements to secure a property or to subsidise rental. Many parents are jeopardising their own financial security by selling their home, returning to work, cashing in their superannuation or taking out loans to facilitate a move for their child.

We have seen many examples of young people with an intellectual disability who, when they begin to live an independent life, develop and gain great self-confidence. On the other hand, we are aware of others who are unable to leave home and then suffer depression. We know of five cases where this has led to suicide.

Members on a Disability Support Pension (currently \$1,838 a month) have no hope of exercising any choice and control over where or with whom they live. The National Disability Insurance Scheme (NDIS) has opened up the opportunity to obtain training and core supports, through their Independent Living Options program, to enable adults with an intellectual disability to live in a home of their own. However, without comprehensive regulation and planning requirements to enable subsidised access to 'bricks and mortar', aspirations for living an independent life remain unattainable.



Rental is another area where there are obstacles because the person cannot compete on the open rental market as they usually have no rental history or access to secure income apart from the pension. Even with CentreLink rental assistance, people on a disability support pension cannot afford the rents currently being charged in Manningham.

While, of late, Manningham City Council is now attempting to refocus its planning policies to support the construction of more affordable housing, it is constrained by only being able to create voluntary (Section 173) agreements with Developers. In two previous cases known to MICH, those agreements were not complied with and the developers have applied their own interpretation of what is 'affordable' which is considerably greater than that defined by the Minister for Planning (see below).

In the past, even when provided with a highly competent proposal from a not-for-profit organisation to build a mixed development with a significant proportion of affordable accommodation for MICH members, the Council was forced to accept a marginally higher-priced bid from another developer. We understand that its future policies may more closely reflect the net social benefit from selling Council-owned land rather than just the financial gain.

We have also just heard that the Council will be creating a new planning 'Charter' that addresses the need to stimulate more developments that include affordable housing and a new action plan in that regard.

While the progress being made by the Council of late is welcome, it is still a long way from the approach in other parts of the world who have fully aligned their planning policies with the UN Convention on the Rights of Persons with Disabilities (CRPD), and especially Article 19 (see Section 6, Appendix B). The current Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability has recently pointed out that Australia lags considerably behind its peers in providing suitable, affordable housing for people with a disability in line with our obligations under the CRPD.



3 Victorian State policies on affordable housing

The Homes for Victorians: Affordability, access and choice¹ (March 2017) and Plan Melbourne 2017-2050² (March 2017) recognised the critical need to increase the supply of affordable housing. Both strategies found that while the planning system alone could not address all of the issues related to the provision of social and affordable housing it is important for the planning system to play its role.

The amendments to the Planning and Environment Act in June 2018 were designed to facilitate the provision of affordable housing. To support the amendments the Department of Environment, Land, Water and Planning released web-based guidance including an example Affordable Housing Agreement, guidance on the negotiation of agreements for different parties and guidance on the context for their application.

However, all of this is based on a voluntary approach, facilitated by 'good will' - which ultimately is non-enforceable.

While the recent initiatives from the Minister of Planning and DWELP are to be commended, in Victoria we are still a long way from the standards in other peer countries that comply with the UN Convention on the Rights of Persons with Disabilities (CRPD), and especially Article 19 (see Section 7, Appendix B) and the associated UN Right to Adequate Housing for Persons with Disabilities Living in Cities.

4 Draft Planning Scheme Amendment and Development Plan for land at 9-15 Templestowe Road, Bulleen

Such land within Manningham, that is suitable for affordable housing for young people with an ID, is rare. Presently, this area is serviced by two existing bus routes, which can provide access to shops and other facilities young people

¹<https://www.vic.gov.au/sites/default/files/2019-08/Homes-for-Victorians.pdf>

² <https://www.planmelbourne.vic.gov.au>



with an ID need and currently use. From there our members could easily access many locations they need and where their social and community supports exist. These include:

- Pines Learning on Reynold Road;
- Mullum, Mullum stadium (for All Abilities Basketball);
- The Adjani Centre;
- Onemda on Anderson Creek Road;
- Templestowe Village.

The Planning Scheme prepared by Manningham City Council identifies that the proposed amendment satisfies many Victorian Planning Objectives including:

- Facilitating the provision of affordable housing in Victoria; S4(1)(fa) the Act.
- Balancing the present and future interests of all Victorians. S4(1)(g) the Act.

However, while the proposed amendment and re-zoning proposal and Development Plan cover a diverse range of issues in detail such as:

- Flora & Fauna;
- Topography and Earthworks;
- Landscape;
- Cultural heritage;
- Ecologically Sustainable Design (ESD) Initiatives;
- Traffic, Parking, Access and Circulation;
- Site Servicing, Drainage, and Flood Risk Assessment; etc.

There is only a vague mention that “a portion of affordable housing will also be facilitated”. There is no firm commitment. The Development plan also says that:

Affordable housing will be provided in exchange for increased density in identified ‘Opportunity Areas’ within the development providing greater diversification and lower average housing prices.

This seems to imply some trade off and opportunity for the developer to subsequently renege on the provision of suitable and sufficient affordable homes.

Also, the reference to “lower average housing prices” does not seem consistent with the intent of the Minister for Planning’s policy for affordable homes and the definition of ‘affordable’ he gave in his Ministerial Notice (Victorian Government Gazette No. S256, Friday 1 June 2018).



Furthermore, we note that the planning tool, Schedule X to clause 43.04 Development Plan Overlay³ for C125MANN, limits the provision of affordable housing to **only if** there is approval of development above 3 levels in the locations specified in the Outline Development Plan.

5 Our conclusions and recommendations

We regard the suggestions regarding the provision of affordable housing in the Development Plan and associated planning tool to be vague and in that they are subject to trade-offs against density and height increases - which may not be possible or acceptable - we regard them as 'hollow'. In our experience they seem typical of the types of promises made by some developers which, once a Section 173 agreement is signed don't lead to any affordable homes that satisfy the Minister for Planning's definition.

We recommend that the Yarra River - Bulleen Precinct Advisory Committee, in keeping with Victoria and Manningham's urgent need for more affordable housing and the requirements of S4 of the Planning and Environment Act, advise the Minister for Planning that any planning scheme amendment and development plan for the land at 9-15 Templestowe Road, Bulleen should be subjected to firm planning controls dealing with the provision of affordable homes.

These planning controls should:

1. Require the provision of suitable affordable housing, whether or not the development includes higher densities or buildings of 3 levels, or not;
2. In keeping with good practice, require 10% of homes in the development to be 'affordable';
3. Define 'affordable' in terms of the Ministerial Notice in the Victorian Government Gazette No. S256, Friday 1 June 2018 as shown for the "very low income range".

³ https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.vic-engage.files/8515/9792/6015/draft_Amendment_C125mann_-_cl_43.04s04_DPO_June_2020.pdf



6 Appendix A - the situation in Manningham

In 2014 Knox City Council reported⁹ that housing affordability is a growing problem in the Eastern Region of Melbourne (and Australia- wide). While many of the factors that influence housing affordability are structural and beyond the control of local government, a clear understanding of the scale of affordable housing needs in the region is a first step to enabling a response to increasing affordability.

If anything, the situation has worsened since 2014. Table 1, for Manningham, is taken from the Knox City report and we believe that now these estimates are optimistic.

For most people with a disability, their only source of income is the Disability Support Pension. However, this is so low that they cannot be eligible and cannot afford a normal mortgage, Even with Rent Assistance, they cannot pay normally-encountered rental payments which, in Manningham, can be of the order of \$380 or more a week for a single bedroom apartment.

Table 1: Social housing needs in Manningham (predictions in 2014)

Table 2.4 Social housing needs, Manningham, 2014-2036					
Year	'Need' Est. number of very low income households* that do not own their own home (3.9% of total households at 2011 Census)	Number of social housing units 336 as at June 2012 (DHS)**	Estimated number of affordable private lettings 1.6% of private rentals***	% of need met by existing social housing & estimated affordable private lettings	Shortfall of social housing
Current (2014)	1670	340	103	27%	-1230
2016	1720	340	106	26%	-1270
2021	1820	340	121	25%	-1360
2026	1910	340	118	24%	-1450
2031	2000	340	123	23%	-1540
2036	2030	340	125	23%	-1570



7 Appendix B - UN Conventions

7.1 UN Convention on the Rights of Persons with Disabilities³

The UN Convention on the Rights of Persons with Disabilities (CRPD), at Article 19, says on "Living independently and being included in the community" that:

Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

(a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

(b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

(c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

The CRPD is binding international law and is primarily intended to address the situation in Third World Countries.

Australia has ratified the convention but has not implemented it.

7.2 UN Committee on the Rights of Persons with Disabilities⁴

In 2017 this UN committee held its 18th session on compliance with the UN CRPD and it emphasised the right for disabled people to independent living and to be included in the community.



The UN Secretariat for the Convention on the Rights of Persons with Disabilities on Accessibility and Disability Inclusion in Urban Development stressed that:

Housing as a key element of inclusive cities

- *Integrated approaches to housing, and positioning housing at the centre of inclusive urban development, need to take account not only of environmental sustainability, diversity (including disability) and financial aspects, but also human rights.*
- *Universal design, as a concept and principle, should be reflected in designs and plans for new built environments and in renovations to existing buildings and facilities to ensure they are accessible for all.*
- *Building standards, laws and effective enforcement mechanisms are essential to ensure accessibility, availability, affordability and quality of housing and public services for all, including persons with disabilities.*

Sadly, Australia reported that:

People with disability in Australia are restricted in their right to live independently and be included in the community, including the right to choose freely where and with whom they live. Many are forced to live in institutions, residential, and aged care facilities, in order to receive social and personal care supports.

7.3 UN Right to Adequate Housing for Persons with Disabilities Living in Cities⁵

In 2015 the UN Human Settlements Programme and the UN Human Rights Commission published this guide which points out that the right to housing is one component of the “right to a standard of living” and has its origins in Article 25 of the Universal Declaration of Human Rights.

Specifically, the guide notes (under the heading Living independently (with some or no support)) that:

Few countries matched their stated strategic commitment to what was happening ‘on the ground.’ The main reasons for this seemed to be:



- *limitations of local resources and/or regional interpretation of strategic frameworks;*
- *the lack of a policy lead;*
- *policy being under-developed;*
- *assessment procedures which focused on processes rather than meeting needs.*

The report emphasises that persons with disabilities must have:

*Opportunities to develop and express their will and preferences, in order to exercise their legal capacity on an equal basis with others. This means that persons with disabilities must have the **opportunity to live independently in the community** and to make choices and to have control over their everyday lives, on an equal basis with others, as provided for in article 19.*

*The CRPD Committee determined that the **community-based approach provides the best solution** for supporting the exercising of legal capacity, supported decision-making and raising awareness about the right to adequate housing, including the right to different support services. There are three elements within the right to live independently and in the community: the right to choose, the right to support services specific to the needs of the individual and the right to access mainstream community services and programmes on an equal basis with others.”*

Section 4 of the Guide specifies that:

*National legislation and **policies** need to be in accordance with the Convention on the Rights of Persons with Disabilities (CRPD) provisions on non-discrimination, including the provision that the denial of reasonable accommodation constitutes disability-based discrimination.*

The case studies in Section 5 of the guide are also very insightful and clearly illustrate that the current situation in Australia compares poorly with that which exists in other first world countries such as Sweden.