



**9.1** BALACLAVA PRECINCT - MARLBOROUGH STREET  
AFFORDABLE HOUSING - INTENTION TO SELL -  
REPORTING OF SUBMISSIONS IN RESPONSE TO PUBLIC  
NOTICE

**EXECUTIVE MEMBER:** CHRIS CARROLL, GENERAL MANAGER, CUSTOMER AND  
CORPORATE SERVICES

**PREPARED BY:** ANTHONY SAVENKOV, SENIOR PROPERTY PROJECT MANAGER

**1. PURPOSE**

- 1.1 To report and hear submissions from interested parties in response to a notice published in accordance with section 189 of the *Local Government Act 1989* advising of City of Port Phillip's intention to sell land at 46 – 58 Marlborough Street, Balaclava.

**2. EXECUTIVE SUMMARY**

- 2.1 City of Port Phillip has formally notified the public of its proposal to sell 46-58 Marlborough Street in Balaclava.
- 2.2 The notice outlined the terms of the proposed sale, invited submissions on the proposal, and highlighted the opportunity for those making submissions to be heard before Council in support of those submissions.
- 2.3 In response to the notice, approximately 180 people have made submissions. The vast majority (96%) of responses were by form letter, sometimes with minor modifications. Many submitters have made double submissions – using a pair of different form letters.
- 2.4 Of the submissions, two are supportive or conditionally supportive of the proposal.
- 2.5 The submissions covered a broad range of issues – broadly: local social and real estate price impacts; design; construction impacts; and traffic and parking considerations. The most frequently raised concerns were site access, building density, potential to exacerbate anti-social behaviour, and loss of open space.
- 2.6 A petition – of 75 signatories - was also received. Its focus was the potential for anti-social behaviour and crime to increase in the local area due to the concentration of social housing.
- 2.7 Some of the submitters have requested to be heard in support of their submission.



### 3. RECOMMENDATION

That Council:

- 3.1 Notes that notice has been given under section 189 of the *Local Government Act 1989* of Council's proposal to sell the land located at 46-58 Marlborough Street, Balaclava, to Port Phillip Housing Association in its capacity as trustee of the Port Phillip Housing Trust, inviting submissions from interested parties.
- 3.2 Notes the written submissions of response that were received by the closing date of 5pm on 9 May 2018.
- 3.3 Notes the verbal presentations made to Council in support of those written submissions, by those submitters who have requested in their submission to be heard by Council.
- 3.4 Thanks submitters for their submissions and presentations.
- 3.5 Formally considers the submissions received at a subsequent meeting of Council once Officers have had the opportunity to fully consider the community feedback.

### 4. KEY POINTS/ISSUES

- 4.1 On 7 March 2018 Council resolved to commence the statutory processes under the *Local Government Act 1989* to consider selling 46-58 Marlborough Street, Balaclava to Port Phillip Housing Association in its capacity as trustee of the Port Phillip Housing trust.
- 4.2 The potential sale is intended to facilitate the growth of affordable housing in the City, and is part of Council's implementation of its affordable housing strategy *In Our Backyard*.
- 4.3 On 10 April 2018 a Council notice was published in the *Leader* community newspaper. It informed the public of Council's sale proposal, and of their right to: make a submission on the proposal; and to speak to their submission before Council.
- 4.4 The notice was simultaneously published on Council's website.
- 4.5 Two hundred and six submissions were received in response to the notice. Most of the submissions are a form letter – a pre-prepared letter to which respondents have added their personal details, sometimes making some changes to the text. The submissions are included in Attachment 4. (Offensive, defamatory and third party personal information has been redacted).
- 4.6 A substantial number of submitters have made multiple submissions – with a pair of different form letters.



- 4.7 There were approximately 180 unique respondents. A respondent summary is included as Attachment 3.
- 4.8 The submissions also include a petition. That petition is also attached, as Attachment 5. There are seventy-five signatories to the petition, some of whom are also individual submitters.
- 4.9 Of the responses, two are supportive – or conditionally supportive – of the proposal to transfer the land.
- 4.10 Council is required to consider any submissions received prior to determining whether to proceed with the conditional sale.

## 5. CONSULTATION AND STAKEHOLDERS

- 5.1 Supplementary communication was carried out to support the formal notification recorded in 4.3 and 4.4 above. This included:
  - letters posted to 193 owners and 367 occupiers of property near the site (Attachment 2);
  - two information kiosk sessions held on the subject site;
  - an update on the City of Port Phillip project web-page; and
  - individual meetings with owners and occupiers.
- 5.2 As already noted, the submissions received by the submissions closing date are included in Attachment 4, plus the Attachment 5 petition.
- 5.3 The range of matters raised in the submissions included local social and real estate price impacts, design, construction impacts, and traffic and parking considerations, and included the following specific themes:-
  - 5.3.1 narrow community benefit;
  - 5.3.2 density and scale of development;
  - 5.3.3 increased traffic;
  - 5.3.4 access for vehicles, including garbage trucks, delivery vehicles and emergency vehicles;
  - 5.3.5 potential antisocial and criminal behaviour;
  - 5.3.6 opportunity for the development to become an exemplar of urban, architectural and environmentally sustainable design;
  - 5.3.7 potential impact on surrounding property values;
  - 5.3.8 loss of car parking, including impact on local businesses and the station;
  - 5.3.9 disruptions/disturbances from construction;



- 5.3.10 concentration of social housing residents in the area;
  - 5.3.11 potential impact on the look and “feel” of the neighbourhood;
  - 5.3.12 loss of potential for outdoor space, including the opportunity for recreational space;
  - 5.3.13 loss of potential for multi-storey carparking;
  - 5.3.14 safety and security;
  - 5.3.15 adequacy of notification of residents;
  - 5.3.16 basement location of the public carparking;
  - 5.3.17 appropriateness of the location;
  - 5.3.18 potential inclusion of retail/commercial/artist studios as a component of the development.
- 5.4 The most commonly raised issues – being those of the two form letters – were site access, building density, potential to exacerbate anti-social behaviour, and loss of open space.
- 5.5 The petition specifically raised the issues of the perceived narrow community benefit of the development, the potential concentration of social housing inhabitants in the local area, and the perceived resulting increase in anti-social and criminal behaviour.

## **6. LEGAL AND RISK IMPLICATIONS**

- 6.1 The section 223 *Local Government Act* process arises as a result of submissions received in relation to the public notice issued under Section 189 of that Act.

## **7. FINANCIAL IMPACT**

- 7.1 The adoption of the recommendations is not anticipated to create any material change to project budget.

## **8. ENVIRONMENTAL IMPACT**

- 8.1 No material environmental implications arise from the recommendations of this report.

## **9. COMMUNITY IMPACT**

- 9.1 Affordable housing – including community housing – is important to the health and wellbeing of Port Phillip’s residents. It contributes to creating a diverse, inclusive and equitable community
- 9.2 Perceived impacts that may result from the proposed sale are articulated in the submissions.



**10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 10.1 This report supports transparent governance and an actively engaged community – Council commitments entrenched within its *Council Plan*.

**11. IMPLEMENTATION STRATEGY**

**11.1 TIMELINE**

- 11.1.1 The statutory “Intention to Sell” process is one key stage in the process for the potential realisation of affordable housing on the subject site.
- 11.1.2 Once it considers the submissions received, Council may elect to proceed or not proceed with the proposal.
- 11.1.3 Should it elect to proceed, the other key stages include the development application process (including public exhibition), construction, and transfer of the site (on completion of the development, and with Council retaining the redeveloped carpark).

**11.2 COMMUNICATION**

- 11.2.1 Officers intend to write to submitters advising of the meeting at which the decision on the proposal is to be considered.
- 11.2.2 Subsequent to that meeting, Officers intend to notify submitters of the decision and reasons under section 223(1)(d)(ii) of the *Local Government Act 1989*.

**12. OFFICER DIRECT OR INDIRECT INTEREST**

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

**TRIM FILE NO:** 20/17/01

**ATTACHMENTS**

1. Notice of Intention to Sell
2. Letter to neighbouring owners and occupiers
3. Submissions summary
4. Collated submissions 46-58 Marlborough Street Balaclava
5. Petition