



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

Jo Clay MLA (Chair), Suzanne Orr MLA (Deputy), Mark Parton MLA

Submission No 8 -

ACT Shelter

Inquiry into DV 365 -

Housing Choices

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**Inquiry Submission: Draft
Variation 365 – Boarding
Houses and Co-Housing**

Committee Secretary
Standing Committee on Planning, Transport and City Services
ACT Legislative Assembly
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Dear Committee Secretary

Inquiry into Draft Variation 365: Housing Choices – Boarding Houses and Co-Housing

Thank you for the opportunity to provide a submission in response to draft variation 365 to the Territory Plan pertaining to compliance, development and residential zoning for boarding houses and co-housing.

ACT Shelter was pleased to participate in the Housing Choices Collaboration Hub deliberative democracy process and broader submissions to the ACT Planning Strategy Refresh.

Additionally, Shelter is an ex-officio member of the Housing Ministers Consultative Group which has provided advice and input to inform the development of the ACT Housing Strategy.

We note the Housing Choices Collaboration Hub is an innovative component of a broader investment in deliberative democracy which aims to provide opportunities for more diverse voices to be heard in consultative processes for Government, including those concerning land development & release, planning and zoning.

While ACT Shelter understands this Committee and this Inquiry are primarily concerned with planning and land use, however this submission will also draw the committee's attention to what assert is a necessary body of concurrent policy and regulatory work we recommend be undertaken prior to the approval of new boarding houses in the ACT.

We note the Justice and Community Safety Directorate is undertaking a body of work in relation to Occupancy Agreements and fire safety in shared premises.

This is welcome considering experiences interstate and overseas.

ACT Shelter notes Draft Variation 365 covers both Boarding Houses and Co-Housing. ACT Shelter understands the reason for this stems from recommendations arising out of the Housing Choices Collaboration Hub Deliberative Democracy process which we participated in with the ACT Council of Social Service (ACTCOSS).

ACT Shelter asserts boarding houses and co-housing are accommodation models that are polar opposite in terms of their operation.

Co-housing models create intentional communities, ideally on an opt-in basis where residents intentionally buy-in and gain equity in the housing venture over time. Boarding houses by contrast offer occupants no choice about co-habitants.

For this reason, our submission addresses concern we have with the intent and likely effect of the Draft Variation on the development assessment and approval and operating environment of each model separately, beginning with Boarding Houses.

Above Board, not under the radar: Boarding Houses and DV 365

As noted by several housing and homelessness researchers, boarding and rooming houses provide an important source of low-cost accommodation in most Australian cities.

That said, the ACT experience has been very different. Ainslie Village and Havelock House are models of accommodation with several commonalities to how boarding houses operate elsewhere.

Importantly, both are managed, long-term, by registered Community Housing Providers. This means they are subject to oversight to by the Registrar and required to meet National Regulatory System for Community Housing standards.

Both premises are also visitable places under the ACT Official Visitor Scheme. This means if there are concerns about the health, safety or wellbeing of occupants, there is an external person who can visit.

Nationally, it is posited that the boarding and rooming house sector is in decline. This is primarily based on data published by the Australian Bureau of Statistics as part of its Homelessness Enumeration Strategy.

Other research suggests the profile of the sector has changed significantly, with diversity in size and type of boarding and rooming houses leading to a potential undercount in overall bed and room numbers.

Irrespective of national trends, the ACT does not have a history of low-income people being involuntarily accommodated together in substandard boarding and rooming houses because they are not in a position to afford better accommodation they actually want to reside.

We should not be creating a permissive environment and inviting this to be our future.

ACT Shelter notes this may not be the intention of zoning changes, which in some ways act to limit the scale of Boarding Houses and prohibit their development in Residential Zone One.

ACT Shelter urges the Committee to exercise extreme caution when deliberating as to the establishment of private boarding houses in Canberra.

While we are broadly satisfied with the definition of Boarding Houses in the Inquiry document, we wish to draw the Committee's attention to the lack of choice lodgers/occupants have in who they share a room with. As Gilbert (2012), drawing on the findings from Inquiries into deaths and deaths and serious incidents in Boarding and Rooming Houses in New South Wales, Queensland, South Australia and Victoria noted:

"...While they [boarding houses] have traditionally been a source of accommodation for people with disabilities and/or mental health issues, they are more recently targeted towards international students, young people, arts workers, families, backpackers, people escaping homelessness and young people exiting state care... There is a greater diversity in the sector now, than has historically been the case. The one common denominator is the lack of choice available to occupants about who they share a premise with. This has been identified as a key source of tension and undesirable outcomes for occupants, neighbours, communities local and state Governments..." (Gilbert, 2012)

ACT Shelter took the liberty of consulting with sector colleagues from equivalent peak bodies interstate before drafting this submission.

Their input confirmed concerns we have about the creation of a permissive environment for the proliferation of new boarding houses, however well-intentioned (to address affordability pressures and respond to community input regarding greater diversity of built form and models of accommodation – with or without support), are well founded.

ACT Shelter recommends this committee advise Territory bureaucrats to consult with their counterparts in neighbouring states before proceeding further with planning reforms that may increase the number of boarding houses providing accommodation to people in the ACT.

While we acknowledge the recommendations that follow in relation to boarding houses are likely outside the scope and thinking of this Inquiry and not core business for this committee, it would be negligent of ACT Shelter not to impress upon committee members the need to ensure strong compliance and regulatory measures are put in place to safeguard the rights of occupants in relation to their health, quality of life and wellbeing.

Experience from interstate and overseas reminds us, strong regulatory frameworks that ensure fundamental safeguards are in place for occupants are critical.

Without them, people die, and coronial inquests follow.

ACT Shelter therefore makes the following recommendations in relation to Boarding Houses.

Recommendations: Boarding Houses

1) That this Committee recommends a substantive body of policy and regulatory work be undertaken in relation to the Boarding Houses component of this Draft Variation prior to any future approvals of boarding/rooming house accommodation being granted.

2) That this Inquiry recommends a centralised registrar of Boarding/Rooming Houses be established so the Justice and Community Safety Directorate knows where boarding houses, how many people are legally entitled to occupy them and who owns and operates them. Fines should apply if proprietors are found to operate unlicensed premises after a specified amnesty date.

3) Strengthening Occupancy Rights and enshrining minimum standards for the amenity and safety of shared occupancy premises be front of mind for policy makers and regulators going forward – this must include provision for the establishment of mechanisms and procedures that provide for:

(i) Reporting on the use of written occupancy agreements; the extent to which standards set out in the legislation are met; resident and proprietor reports of knowledge of the Act; and fire safety measures and compliance measures.

(ii) The explicit protection of occupants of boarding houses from undue coercion or financial exploitation by unscrupulous proprietors either intentionally or due to inadvertent negligence.

4. Strong safeguards are needed to ensure the health, safety and well-being of residents – particularly in facilities and premises that purport to operate as what are termed ‘assisted boarding houses’ in New South Wales or Supported Residential Facilities in South Australia.

History tells us, older people and people with disabilities are at significant risk of exploitation, harm and maltreatment, and this is of particular concern in light of the My Aged Care and the National Disability Insurance Scheme which may avail substantive financial support to participants which could be milked or drained by proprietors who operate in this space almost exclusively for financial gain.

5) Consistent with outcomes from Inquiries in other jurisdictions, referenced in the body of work being undertaken by the Justice and Community Safety Directorate:

All boarding house proprietors and residents have access to the ACT Civil and Administrative Tribunal (ACAT) for the resolution of an occupancy principles dispute, although it is expected that before going to ACAT proprietors and residents will have tried to resolve the dispute informally. A prerequisite for this is that residents are aware of the ACAT and its functions and feel confident in its powers.

6) That all boarding houses be [designated visitable places and appropriate amendments be made to Official Visitor Act 2012 to provide for this.](#)

7) ACT Shelter notes the Draft Variation proposes to set an occupancy ceiling for Boarding Houses in Residential Zones two – five of ten bedrooms. We assert that unless each occupant has their own self-contained room, this is too high and the threshold be limited to ten occupants per premises, and not defined by bedrooms. This would improve the amenity of new premises approved in accordance with this Draft Variation.

It would also address community concerns ACT Shelter has heard over a number of years, in relation to the impact on off-street parking and quiet enjoyment of both premises and surrounds by occupants of boarding houses.

‘I’m just a soul whose intentions are good...’ – Co-housing and DV365

Several ACT Shelter members have expressed a longstanding interest in the creation of co-housing and other intentional communities.

Co-housing Canberra has engaged with ACT Shelter and we defer to their expertise in relation to planning, land development and release measures that are needed to incentivise the establishment of viable co-housing models in Canberra.

That said, we welcome the opportunity to provide brief commentary in relation to the likely effect of the draft variation on the enablement of co-housing models as an affordable housing option that offers residents greater choice and control over housing arrangements and decisions about how, where and with whom they live.

The Draft Variation 365 proposed **no limit on the number of dwellings for cohousing**, rather that dwelling number be limited by plot ratio/site provisions as per current provisions for boarding houses.

This would have facilitated the provision of much more affordable housing options.

This provision was removed from the Recommended Variation 365, with dwelling numbers now limited by Multi Unit Code Element 3 (e.g., On a 1050-1400m² block only 3 dwellings permitted). Essentially, there is no difference between cohousing provisions and existing Multi Unit housing provisions, merely a new definition.

Draft Variation 365 also restricts cohousing to RZ2-RZ5.

This means that 80% of the existing urban area is not available for cohousing developments. A better approach would be as per current boarding house provisions of one per section in RZ1.

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ACT Shelter therefore makes the following recommendations in relation to Co-Housing.

Recommendations: Co-housing

1) To ensure the effect of DV 365 is consistent with the stated aims of the ACT Housing Strategy in relation to increasing housing choice, diversity and supply of affordable housing to meet the needs of all Canberrans, ACT Shelter urges the Committee to recommend co-housing be specifically exempt from Element 3 of the Multi-Unit Code which imposes a limit of 3 dwellings per 1050sq m – 1400 sq m block be removed to enable co-housing developments to deliver more affordable units of accommodation per development.

2) That ACTPLA permit co-housing developments to occur in Residential Zone One, subject to appropriate development assessment controls, to reflect the desires of community participants in the Housing Choices Collaboration Hub, in relation to affordability, choice and diversity.

ACT Shelter again thanks the Committee for the opportunity to provide a submission to its Inquiry into Draft Variation 365.

We hope our submission adds value to the deliberations of this Committee of Inquiry.

We would be pleased to provide verbal evidence to this Inquiry if it is the intention of this committee to invite community stakeholders to do so later.

Yours Faithfully



Travis Gilbert

Chief Executive Officer, ACT Shelter

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