

2022

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Variation to the Territory Plan 365 -
Housing Choices – Boarding Houses and Co-Housing**

**Presented by
Mick Gentleman MLA
Minister for Planning and Land Management
April 2022**

Australian Capital Territory

Planning and Development (Plan Variation 365) Approval 2022

Notifiable instrument NI2022-

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)


1 Name of instrument

This instrument is the *Planning and Development (Plan Variation 365) Approval 2022*.

2 Approval of draft plan variation

- (1) I approve under section 76 (2) (a) of the *Planning and Development Act 2007* the plan variation 365 to the Territory Plan.
- (2) In this section:

plan variation 365 to the Territory Plan means the plan variation in the schedule.


Mick Gentleman MLA
Minister for Planning and Land Management
6/4/2022



ACT
Government

Environment, Planning and
Sustainable Development

Schedule (See section 2(2))

Planning and Development Act 2007

Variation to the Territory Plan 365

Housing Choices –
Boarding Houses and Co-Housing

February 2022

Final variation prepared under s76 of the
Planning and Development Act 2007

Contents

- 1. EXPLANATORY STATEMENT3**
 - 1.1 Background.....3
 - 1.2 Summary of the Proposal5
 - 1.3 The National Capital Plan6
 - 1.4 Changes to the Territory Plan6
 - 1.5 Consultation on the Draft Variation6
 - 1.6 Revisions to the Draft Variation Recommended to the Minister.....8
 - 1.7 Ministerial Direction8

- 2. VARIATION.....9**
 - 2.1 Variation to the Territory Plan9

1. EXPLANATORY STATEMENT

1.1 Background

Territory Plan Variation 365 (V365) implements part of the Housing Choices project which was undertaken by the Environment, Planning and Sustainable Development Directorate (EPSDD). The project investigated whether the housing needs of the Canberra community are adequately understood, whether they are currently being met, and how they can be better met in the future.

A Housing Choices Discussion Paper released for consultation in November 2017 provided a basis for community comment to inform future planning decisions on improving housing choice.

The approach to engagement and evidence-based policy development was collaborative, innovative and informed. It was carried out in two stages.

In stage one, feedback on housing choices was sought from the community and industry through media articles, correspondence and talk-back radio. EPSDD commissioned a social research survey of 1,000 citizens living across the city, and an economic analysis of the housing redevelopment market.

EPSDD released three reports:

- Housing Choices Discussion Paper (November 2017) for consultation from 17 November 2017 to 9 March 2018.
- Housing Choices Discussion Paper Community Engagement Report (May 2018).
- Housing Choices Collaboration Hub Information Kit (April 2018).

These reports informed the second stage of engagement from May to July 2018. This stage sought further feedback on housing choices from the community, including the Housing Choices Collaboration Hub (Collaboration Hub).

The Collaboration Hub was a group of 38 randomly selected individuals that represented a broad cross-section of the Canberra community.

The Collaboration Hub was a deliberative process that brought together these citizens to discuss, deliberate and receive information on housing choices. They considered the desires of stakeholders and best practice thinking to recommend options on ways to improve housing choices.

The Collaboration Hub participants wrote the recommendations report and provided it directly to the Minister for Planning and Land Management at the last Collaboration Hub meeting on 28 July 2018.

The Minister for Planning and Land Management gave support in-principle to all the Collaboration Hub's recommendations contained in its report. That is, the Minister agreed to the ideas proposed in the recommendations, with further detailed work required by EPSDD and other agencies to determine the most appropriate way to deliver the desired outcome.

The Government's response to each of the 13 recommendations is outlined in the *ACT Housing Choices Collaboration Hub: Government Response (September 2018)*. This report is available at <https://www.yoursay.act.gov.au/housing-choices>.

The Collaboration Hub's recommendations and other issues raised during consultation on the Housing Choices project will be considered and/or implemented through a variation to the Territory Plan and as part of the ACT Planning System Review and Reform project and other projects.

- a. Variation to the Territory Plan for Housing Choices – There will be a requirement for EPSDD to make changes to the Territory Plan to progress Recommendations 5 and 7.
- b. ACT Planning System Review and Reform – Recommendations 4, 7 (part), 8 (part), 11 (part) and 12 will be considered through this project which started in 2019.
- c. Other projects – Recommendations 1-3, 6, 7 (part), 8 (part), 9-10, 11 (part) and 13 will be considered and/or implemented through work connected to the ACT Indicative Land Release Program, 2018 ACT Housing Strategy and Affordable Housing Innovation Fund, 2018 ACT Planning Strategy and Living Infrastructure project, ACT Transport Strategy 2020, Public Housing Renewal Program, Improving the ACT Building Regulatory System reforms and Demonstration Housing projects.

1.2 Summary of the Proposal

V365 changes the Territory Plan to implement Recommendation 7 of the Collaboration Hub.

Theme 4 – Lifestyle and diversity – The current housing options driven by market do not provide flexibility for varying lifestyles in both physical space and possible procurement methods.

Recommendation 7 – For both infill* and new developments, government should require and/or incentivise developers to deliver an increase in:

- 1. Mix of dwelling sizes and diversity of dwelling types.*
- 2. The set proportion (%) of new dwellings that meet universal design standards: whilst taking into account different Precincts and changes over time.*

Other NOTES about Infill; this should allow:

- For rules to kick in over time, as spaces/blocks are redeveloped with reference to Precinct Plans.*
- For the mix and diversity for each area to be reviewed over time; not set and forget.*

Notes for Item 1. As examples for consideration/incorporation: single level age-in places, shop top living, build to rent, share housing, loft-style, courtyard, terrace house, mews and manor.

Notes for Item 2. Universal design is considered to be an adaptable house that is able to respond to changing lifestyle needs.

Rationale – Based on submissions/presentations by: Kate Auty, ACT Commissioner for Sustainability and Environment; Sue McGrath, The Benevolent Society; Clare Wall, Board of Community House Canberra; and Shane Garrett, Housing Industry Association.

EPSDD invited members of the Collaboration Hub and Stakeholder Reference Group to continue to be involved with the Housing Choices project. Many people from these groups expressed an interest in staying involved in the project. They attended workshops with EPSDD in November 2018 and February 2019 to explore the options for implementing recommendation 7. Key concerns raised at the workshops included the need to protect residential amenity and character, making sure there is enough space on blocks for landscaping, and good design of the built form and landscape.

These workshops led to the development of provisions to make changes to the Territory Plan, which are incorporated into V365 for Housing Choices.

V365 does not make any changes to the Territory Plan that would apply to blocks that are registered or provisionally registered on the ACT Heritage Register. Where a block is registered or provisionally registered on the ACT Heritage Register, *Heritage Act 2004* provisions continue to apply, including any applicable Heritage Guidelines or Conservation Management Plans.

1.3 The National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The Planning and Land Management Act 1988 also required that the Territory Plan is not inconsistent with the NCP.

In accordance with section 10 of the *Australian Capital Territory (Planning and Land Management) Act 1988*, the NCP defines the planning principles and policies for Canberra and the Territory, for giving effect to the object of the NCP and sets out the general policies to be implemented throughout the Territory, including the range and nature of permitted land uses.

It also sets out the detailed conditions of planning, design and development for areas that have special significance to the National Capital known as designated areas and identifies special requirements for the development of some other areas.

1.4 Changes to the Territory Plan

Detailed changes to the Territory Plan are noted in section 2 of this document.

1.5 Consultation on the Draft Variation

The Draft Variation 365 (DV365) was released for public comment between 17 January 2020 and 6 March 2020. A consultation notice, under section 63 of the *Planning and Development Act 2007* (P&D Act) was published on the ACT Legislation Register on 17 January 2020 and in the ACT Government community notice board on 17 January 2020.

A total of 36 written submissions were received, which included submissions from the public, the Friends of Hawker Village, the Planning Institute of Australia, Master Builders Association, Cohousing CBR, the Bloom Collective, the Australian Housing Initiative and Caroline Le Couteur MLA.

Most of the public submissions expressed an interest in increasing housing choices across the residential zones and relaxing provisions to increase viability of boarding houses and co-housing. However, some submissions called for greater limitations and control of boarding houses and co-houses particularly in the Residential RZ1 Suburban and the Residential RZ2 Suburban Core Zones.

The issues raised by submitters included:

- Providing greater diversity in housing choices, above and beyond the provisions for boarding houses and co-housing in DV365.
- Retaining the provisions for small scale boarding houses in the Residential RZ1 Suburban Zone for affordable housing in established and low-density residential areas.
- Permitting co-housing in the Residential RZ1 Suburban Zone to increase housing choices.
- Ensuring that rental accommodation and share housing under the *Residential Tenancies Act 1997* are easier to develop by:
 - allowing private certification
 - relaxing adaptable housing requirements
 - treating boarding houses akin to 'rooming houses' and 'next generation' housing in Victoria and New South Wales respectively.
- Reducing car parking requirements for boarding houses and co-housing consistent with active living policies and promotion of alternative modes of transport.
- Reducing the minimum block sizes for co-housing to increase the supply of sites for co-housing.
- Reducing the bedroom limits for boarding houses, particularly in the RZ1 Zone to minimise impacts on residential amenity.

The above issues were considered and were detailed in a report on consultation. Changes to DV365 were informed by the issues raised. The outcomes of the consultation were considered by the Minister for Planning and Land Management prior to approval of this variation.

1.6 Revisions to the Draft Variation Recommended to the Minister

The Standing Committee on Planning Transport and City Services conducted an inquiry into DV365 and published its findings and recommendations in its report No. 4 of August 2021.

No amendments were made directly in response to the four recommendations of the Standing Committee. However, a ministerial direction was issued to make amendments to DV365 in response to additional matters raised in the public submissions to the Standing Committee inquiry in relation to co-housing. These are detailed in the following section 1.7.

1.7 Ministerial Direction

A ministerial direction under section 76 (2) (b) (iv) of the *Planning and Development Act 2007* was issued by the Minister for Planning and Land Management Mick Gentleman MLA.

The direction was to amend DV365 in response to matters raised in the public submissions to the Standing Committee inquiry in relation to co-housing. In particular, the submissions raised concerns that co-housing would be limited if the provisions of Element 3 of the Multi Unit Housing Development Code were applied to co-housing particularly in the Residential RZ2 Suburban Core Zone.

The direction states that DV365 be revised to amend the Multi Unit Housing Development Code to remove the requirement for co-housing to comply with the following provisions of Element 3 – Building and Site Controls:

- a) 3.8 Residential density – standard blocks RZ2
- b) 3.9 Additional dwellings – standard blocks – RZ2
- c) 3.11 Number of dwellings in each building – standard blocks – RZ2

Accordingly, rules R12, R13 and R15 in the Multi Unit Housing Development Code have been amended to state that the rule does not apply to co-housing.

2. VARIATION

2.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

2.1.1 Variation to the RZ1 – Suburban zone development table

RZ1 – Suburban zone development table – PROHIBITED DEVELOPMENT

Insert

Co-housing

2.1.2 Variation to the RZ2 – Suburban core zone development table

RZ2 – Suburban core zone development table – MINIMUM ASSESSMENT TRACK MERIT
--

Insert

Co-housing

2.1.3 Variation to the RZ3 – Urban residential zone development table

RZ3 – Urban residential zone development table – MINIMUM ASSESSMENT TRACK MERIT
--

Insert

Co-housing

2.1.4 Variation to the RZ4 – Medium density residential zone development table

RZ4 – Medium density residential zone development table – MINIMUM ASSESSMENT TRACK MERIT

Insert

Co-housing

2.1.5 Variation to the RZ5 – High density residential zone development table

RZ5 – High density residential zone development table – MINIMUM ASSESSMENT TRACK MERIT

Insert

Co-housing

2.1.6 Variation to the Residential Zones Development Code

Relevant Development Codes and General Codes

Insert in the development/use column in Table 1:

co-housing	Y	Y	Y
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Element 6: Boarding houses in RZ1 and RZ2 - 6.1 Design and siting

Insert after Rule R25

<p>R25A</p> <p>This rule applies to <i>boarding house</i> in RZ1. The maximum number of bedrooms in the boarding house is 4.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>
<p>R25B</p> <p>This rule applies to <i>boarding house</i> in RZ2. The maximum number of bedrooms in the boarding house is 10.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Part B – Other forms of residential development

Insert after element 7 Rule R32

Element 8: Co-housing in RZ2—RZ5

8.1 Design and siting	
R32A <i>Co-housing</i> comprising 2 or more <i>dwelling</i> s complies with Element 3 of the Multi Unit Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
R32B <i>Co-housing</i> comprising one <i>dwelling</i> complies with Element 1 of the Single Dwelling Housing Development Code.	This is a mandatory requirement. There is no applicable criterion.
R32C The minimum <i>block</i> size for a <i>co-housing</i> development is 1,050m ² .	This is a mandatory requirement. There is no applicable criterion.
8.2 Subdivision	
R32D Subdivision under the <i>Unit Titles Act 2011</i> of a <i>co-housing</i> development is permitted. Note: Block amalgamations on suitable blocks (i.e. adjacent blocks with shared boundaries) are permitted for a <i>co-housing</i> development.	This is a mandatory requirement. There is no applicable criterion.
8.3 Parking	
R32E <i>Co-housing</i> development complies with all of the following: a) increase in the number of verge crossings is not permitted b) car parking spaces are provided in a single combined parking area screened from public view.	C32E <i>Co-housing</i> development complies with all of the following: a) minimises the extent of driveways b) encourages grouped car parking, suitably screened from public view c) considers visual amenity impacts of grouped car parking on internal residents.

Renumber

Element 8 in Part C, Element 9, Element 10 in Part D, Element 11 in Part E, Element 12 in Part F and Elements 13 and 14 in Part G

2.1.7 Variation to the Multi Unit Housing Development Code

Element 3 – Building and Site Controls - 3.8 residential density – standard blocks - RZ2 – Rule R12

Replace with

3.8 residential density – standard blocks - RZ2	
<p>R12</p> <p>This rule applies to standard blocks in RZ2 but does not apply <i>co-housing</i>.</p> <p>The maximum number of dwellings is shown in table A2.</p> <p>Note 1: Refer to element 4 of the Residential Zones Development Code for provisions relating to supportive housing.</p> <p>Notes 2: Refer to element 3 for provisions relating to the number of dwellings permitted in each building.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 3 – Building and Site Controls - 3.9 Additional Dwellings - standard blocks - RZ2 - Rule R13

Replace with

3.9 additional dwellings – standard blocks - RZ2	
<p>R13</p> <p>This rule applies to standard blocks in RZ2 where the length of the front boundary facing a public road that allows vehicular access is 20m or less. This rule does not apply to <i>co-housing</i>.</p> <p>Despite any other rule in this element, the maximum number of dwellings is 3.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

Element 3 – Building and Site Controls - 3.11 number of dwellings in each building - standard blocks - RZ2 – Rule R15

Replace with

3.11 number of dwellings in each building - standard blocks - RZ2	
<p>R15</p> <p>In RZ2 on standard blocks the maximum number of dwellings in any building is 4. This rule does not apply to <i>co-housing</i>.</p> <p>For the purposes of this rule, basements are not part of a building.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

2.1.8 Variation to the Car Parking and Vehicular Access General Code

Schedule 1 – Residential Zones

Insert

<p>Co-housing</p>	<p>0.5 spaces per bedroom plus 0.25 visitor spaces per bedroom</p>
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2.1.9 Variation to the Definitions

Definitions, Part 13.1 Definitions, Part A Definitions of development

Insert in the Development column for RESIDENTIAL USE:

Co-housing means a development with separate *dwellings* or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.

Omit from the Development column for RESIDENTIAL USE:

Boarding house means the use of land to principally provide long term accommodation where meals, laundry or other services are provided only to those residents of the *boarding house*, and which is not licensed to sell liquor.

Insert

Boarding house means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the *boarding house*, and/or may also include shared facilities, such as communal living area, bathroom, kitchen or laundry facilities. A *boarding house* is not licensed to sell liquor under the *Liquor Act 2010*.

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήστε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajjnuna t'interpretu, čempel:
PERSIAN	اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ако вам је потребна помоћ преводиоца телефонирајте:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacınız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

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Planning and Development (Draft Variation 365) Direction 2022

Notifiable instrument NI2022-

made under the

Planning and Development Act 2007, s 76 (Minister's powers in relation to draft plan variations)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation 365) Direction 2022*.

2 Commencement

This instrument commences on the day after its notification day.

3 Direction


Under section 76 (2) (b) (iv) of the *Planning and Development Act 2007* (the *Act*), I direct the planning and land authority to revise DV365 to amend the Multi Unit Housing Development Code to remove the requirement for co-housing to comply with the following provisions of Element 3 – Building and Site Controls:

- (a) 3.8 Residential density – standard blocks RZ2
- (b) 3.9 Additional dwellings – standard blocks – RZ2
- (c) 3.11 Number of dwellings in each building – standard blocks – RZ2

4 Dictionary

In this instrument:

DV365 means the recommended version of the *Draft Variation to the Territory Plan 365 - Housing Choices – Boarding Houses and Co-Housing* February 2021, submitted to the Minister under section 69 of the Act and available online at: www.act.gov.au/recommendedvariations


Mick Gentleman MLA
Minister for Planning and Land Management
6/4/2022



ACT
Government

Environment, Planning and
Sustainable Development

Planning and Development Act 2007

REPORT ON CONSULTATION

Draft Variation
to the Territory Plan
365

Housing Choices –
Boarding Houses and Co-Housing

December 2020

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Table of Contents

1.	INTRODUCTION	1
2.	CHANGES MADE TO DV365 AFTER PUBLIC NOTIFICATION	1
3.	COMMENTS FROM THE PUBLIC	1
3.1	Details	1
3.2	Issues and responses	3
4.	COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT 2007	11
4.1	Release for Public Comment (section 63)	11
4.2	Notice of Submission to the Minister (section 70)	11
5.	APPENDICES	13
	<i>Appendix 1</i>	Draft variation 365 - public release version
	<i>Appendix 2</i>	Copies of public comments received on draft variation 365

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1. INTRODUCTION

This consultation report was prepared in accordance with s 69 of the *Planning and Development Act 2007* (the P&D Act).

The report describes the consultation undertaken on the draft variation with the public, the National Capital Authority (NCA), the Conservator of Flora and Fauna, the Environment Protection Authority (EPA), and the ACT Heritage Council, and responds to the issues raised.

2. CHANGES MADE TO DV365 AFTER PUBLIC NOTIFICATION

The following changes have been made to DV365 in response to the issues raised in the public submissions:

Residential RZ1 Suburban Zone Development Code

- Retain 'boarding houses' as merit assessable development in the RZ1 Suburban Zone development table.
- Insert 'co-housing' as prohibited development in the RZ1 Suburban Zone development table.

Residential Zones Development Code

- Update Table 1 of the Residential Zones Development Code to include 'co-housing' and to identify the various codes that apply to co-housing.
- Insert two new mandatory rules in the Residential Zones Development Code to identify which provisions of the Multi-unit Housing Development Code and the Single Dwelling Development Code apply to co-housing.
- Insert a new provision in the Residential Zones Development Code to limit bedrooms in boarding houses to a maximum of 4 bedrooms where located in the RZ1 zone.

Car Parking and Vehicular Access General Code

- Insert car parking requirements into schedule 1 for co-housing.

3. COMMENTS FROM THE PUBLIC

3.1 Details

Draft variation 365 (DV365) was released for public comment on 17 January 2020. The closing date for comments was 6 March 2020. A copy of DV365 that was released for public comments is at **Appendix 1**.

A total of 36 written submissions were received during the public notification period for DV365. This included submissions from the public, the Friends of Hawker Village, the Planning Institute of Australia, Master Builders Association, Cohousing CBR, the Bloom Collective, the Australian Housing Initiative and Caroline Le Couteur MLA.

Most of the submissions expressed an interest in increasing housing choices across the residential zones and relaxing provisions to increase viability of boarding houses and co-housing. However, some submissions called for greater limitations and control of boarding houses and co-housing, particularly in the Residential RZ1 Suburban and the Residential RZ2 Suburban Core Zones.

The issues raised by submitters are outlined in detail in the follow sections of this report and include:

- Providing greater diversity in housing choices, above and beyond the provisions for boarding houses and co-housing in DV365.
- Retaining the provisions for small scale boarding houses in the Residential RZ1 Suburban Zone for affordable housing in established and low-density residential areas.
- Permitting co-housing in the Residential RZ1 Suburban Zone to increase housing choices.
- Ensuring that rental accommodation and share housing under the *Residential Tenancies Act 1997* are easier to develop by:
 - allowing private certification
 - relaxing adaptable housing requirements
 - treating boarding houses akin to ‘rooming houses’ and ‘next generation’ housing in Victoria and New South Wales, respectively.
- Reducing car parking requirements for boarding houses and co-housing consistent with active living policies and promotion of alternative modes of transport.
- Reducing the minimum block sizes for co-housing to increase the supply of sites for co-housing.
- Reducing the bedroom limits for boarding houses, particularly in the RZ1 Zone to minimise impacts on residential amenity.

Copies of submissions received from the public are provided in **Appendix 2**.

The comments from the NCA, the Conservator of Flora and Fauna, the EPA and the ACT Heritage Council were received and assessed prior to release of the DV365 for public comment. These agency comments and responses were included in the public consultation version of DV365 at **Appendix 1**.

3.2 Issues and responses

The key issues raised in the public submissions are summarised below, and responses are provided.

3.2.1 Small-scale boarding houses in the Residential RZ1 Suburban Zone

A total of 23 of the 36 public submissions indicated that small-scale boarding houses should be allowed in the Residential RZ1 Zone. The prohibition of boarding houses from the RZ1 Zone will decrease affordable housing options in most established and low-density residential areas. It will increase stress and homelessness and will place pressure on public housing.

Four (4) submissions expressed support for the prohibition of boarding houses in the RZ1 Zone.

Response

DV365 currently seeks to prohibit boarding houses in their entirety from the RZ1 Zone. In response to the concerns raised by the 23 submitters it is proposed to amend DV365 to continue to allow boarding houses in the RZ1 Zone. However, a limit will be imposed on the size of the boarding house to a maximum of 4 bedrooms. This will promote boarding houses in the RZ1 Zone at a similar scale to residential single dwellings. This will reduce potential impacts on surrounding residential amenity.

3.2.2 Supplies of rental accommodation should be protected

Many the submitters, 21 in total, raised concerns that the supply of rental accommodation will be impacted by the prohibition of boarding houses in the Residential RZ1 Suburban Zone.

Two additional submissions noted that the proposed definitions for boarding houses and co-housing in DV365 do not apply to rental accommodation or share houses. Nor do these definitions deal with dwellings that are seemingly 'built to rent'.

Approximately half of the submitters (17 submissions) indicated that the use of existing dwellings for small-scale boarding house accommodation should be able to be approved by a private certifier.

A total of 16 submissions indicated that small-scale boarding houses establishing in existing dwellings that were constructed prior to 2011 should not be required to be upgraded to an 'adaptable' housing standard.

Some 14 submissions called for the Territory Plan provisions for boarding houses to be revised consistent with the approaches in Victoria for rooming houses, in NSW for next generation housing, or in the United Kingdom for houses of multiple or communal occupation.

Response

Though many of the submitters consider 'boarding houses' to be similar in intent to 'rental accommodation' and 'rooming houses' in other jurisdictions, in the ACT, private rental accommodation and share houses are the nearest equivalent to 'rooming houses' identified in the submissions. The Territory Plan does not regulate private rental accommodation or share housing. Rather, rental accommodation is covered by the *Residential Tenancies Act 1997*. In this regard, the 'rooming house' model suggested in the submissions can already be established in the ACT without the need for a development application under the Territory Plan. As such DV365 will have no impact on the supply of rental accommodation and share housing.

Boarding houses, as defined in the ACT, require sufficient regulation through the planning system to minimise impacts on residential amenity and to promote housing affordability of a high standard. Additionally, the access and mobility code requirements, as applied to all boarding houses, will increase access to affordable housing for a wider range of people including those with special housing needs.

3.2.3 Co-housing in the residential zone

Seven submissions called for co-housing to be permitted in the Residential RZ1 Suburban Zone to increase housing choice and affordability in this zone. Of these 7 submissions, two called for regulation of co-housing in the RZ1 Zone, by limiting it to:

- 'one co-housing development per section'; and/or
- introducing a 'sliding scale for co-housing to determine co-housing dwelling numbers.'

One submission also called for the consolidation of blocks to be permitted in the RZ1 Zone to encourage co-housing in this zone.

Two submissions called for co-housing to be listed as a prohibited use in both the Residential RZ1 Suburban and RZ2 Suburban Core Zones.

Three submissions supported co-housing in the RZ2 to RZ5 zones.

Response

DV365 will be amended to make it clear that co-housing is prohibited in the RZ1 zone. DV365 implements only a small part of the Housing Choices Collaboration Hub recommendations. The full range of housing choices in the RZ1 Zone is more appropriately undertaken as part of a broader review of that zone, consistent with the zone objectives and the Collaboration Hub recommendations.

3.2.4 Car parking requirements for boarding houses and co-housing

Seven submissions called for car parking requirements for co-housing to be reduced to encourage alternative transport options and to reduce costs in the development of co-housing.

Two submissions called for car parking requirements to be adequate to meet demand to avoid parking on streets.

One submission requested that basement car parking should be encouraged and incentivised in co-housing and boarding house developments.

Response

DV365 does not seek to alter existing car parking requirements for boarding houses. However, in response to submissions, the Parking and Vehicular Access General Code will be amended through DV365 to stipulate parking provisions for co-housing at 0.5 car parking spaces per bedroom and 0.25 car parking spaces per bedroom for visitor parking.

The ACT Government is committed to increasing transport options for walking, cycling and public transport to reduce reliance on private vehicles. This includes promoting urban infill and densification in strategic locations within proximity to commercial centres and along major transport corridors.

The car parking requirements for various uses and options for basement parking, which can significantly increase development costs, is more appropriately undertaken as part of a broader review of the Parking and Vehicular Access General Code.

3.2.5 Greater diversity in housing choices generally

Five submissions called for greater diversity in housing choices, including options identified as part of the Demonstration Housing projects. These submissions called for the Government to be pro-active in increasing housing choices and affordability.

One submission commented that DV365 is too focused on amenity and character considerations at the expense of delivering diversity and density of housing.

One other submission questioned where the concept of co-housing comes from and indicated there is ample housing choice in the existing market with apartments, rental accommodation, granny flats and the like.

Response

The Housing Choices Collaboration Hub clearly identified the need to increase housing choices in the ACT because existing housing typologies and supplies do not meet the full range of housing needs of the ACT community.

DV365 implements only a part of the Collaboration Hub recommendations. The Demonstration Housing projects initiated by the ACT Government are exploring housing choices and design outcomes. These projects may result in a variation to the Territory Plan to allow a greater diversity in housing outcomes in the future.

There were 13 recommendations of the Collaboration Hub. The recommendations related to a broad range of housing considerations including affordability; character; environment; lifestyle and diversity; planning and approvals; public housing; quality of construction; quality of design; and zoning. This demonstrates that there is a strong community preference to protect residential amenity and character as well as delivering greater housing choice and affordability.

The concept of co-housing aims to cater for those in the community who are seeking a housing option that is not living in a separate dwelling but also not in a group home arrangement (for example older single women or downsizers). This could be for a number of reasons including social inclusion/companionship,

financial and housing security, safety and affordability. The concept differs from other forms of shared accommodation as it provides the ability to purchase a part of the development, removing the uncertainty of a rental arrangement as well as having financial security. Co-housing could also provide more affordable housing options, for example for retirees downsizing but needing to fund their retirement.

3.2.6 Co-housing - minimum block size

Five of the submissions indicated that the minimum blocks of 1050m² for co-housing is too large. Suggested minimum block sizes included: 800m², 750m², 700m² and even 250m² as being suitable block sizes for co-housing.

Of these five submissions, two submissions indicated that the 1050m² will create competition between co-housing and other uses and this may threaten the viability of co-housing ventures.

Response

The 1050m² minimum block size only applies to co-housing. DV365 implements a small part of the Housing Choices Collaboration Hub recommendations. The 1050m² minimum block size is consistent with the existing minimum block size for three or more dwellings in the Residential RZ2 Suburban Core Zone under the Multi-Unit Housing Development Code.

As co-housing is a new housing typology for Canberra, once co-housing developments are established, a review into their impact on residential areas can be undertaken to determine whether any changes to the policy is required (such as minimum block size, zoning etc.)

3.2.7 Boarding House – 10-bedroom limit in RZ2 zoned areas

Five submissions commented on the proposed limit of 10 bedrooms for boarding houses in the Residential RZ2 Suburban Core Zone as follows:

- one supported the 10-bedroom limit
- two indicated there should be fewer bedrooms (4 or 5 bedrooms)
- two indicated the bedroom limit should be based on block size and merit.

Response

The 10-bedroom limit for boarding houses in the Residential RZ2 Suburban Core Zone is based upon a review of boarding houses existing in the ACT and the desired character and scale of development in the RZ2 Zone. It also takes into consideration likely impacts of boarding houses in this zone in terms of residential amenity and traffic. In addition to the new 10-bedroom limit in RZ2, the other provisions of the Residential Zones Development Code, including a 50% plot ratio and height, setback and open space controls continue to apply.

3.2.8 Boarding houses in the Residential RZ2 Suburban Core Zone

Four submissions support provisions for boarding houses in the Residential RZ2 Suburban Core Zone. However, two submissions oppose boarding houses in this zone due to potential impacts on residential amenity and character.

Response

Boarding Houses are already permitted in the RZ2 Zone. DV365 proposes a 10-bedroom limit on their development in the RZ2 Zone. In addition to this bedroom limit, the other provisions of the Residential Zones Development Code, including a 50% plot ratio and height, setback and open space controls continue to apply. This will limit the scale and density of boarding houses in this zone and will assist in minimising potential impacts on residential amenity and character.

3.2.9 Management arrangements and standards for boarding houses

Three submissions indicated the need for the definition of boarding houses to include a requirement for an on-site residential manager. Two of these submissions also indicated the need for management and operational arrangements to be regulated under the Territory Plan. These two submissions also called for greater building and safety regulations to be introduced for boarding houses.

Response

It is not necessary for the service provider to live on the site of the boarding house. The operation and management of boarding houses are not regulated by the Territory Plan but rather the requirements of the ACT *Health Act 1997* apply to the operation of boarding houses.

Building safety including fire and emergency arrangements are stipulated under the Building Code and are applicable to all boarding houses in the ACT. This is outside the scope of the Territory Plan.

3.2.10 Co-housing as a co-operative with shared facilities

Three submissions indicated that co-housing is a model that relies heavily on co-operative ownership such as community title or through notations on leases. These submissions also indicated that the co-housing definition needs to specify shared facilities to be true to the concept.

One submission questioned whether all forms of co-housing are covered by the definition in DV365, including co-housing in single ownership. One submission indicated that it should consist of a minimum of 3 households.

Two submissions questioned the extent of shared facilities and whether that included sharing bedrooms.

Response

Proposed R32B of the Residential Zones Development Code under DV365 states that unit titling of co-housing is permitted. However, it is not a requirement. This means that it would be the decision of the owner/s whether the co-housing development was owned by one or more entities.

Management arrangements for co-housing are outside the scope of the Territory Plan. However, unit titling of co-housing will provide the owners with security of tenure and the necessary control over the nature, extent, form, and operation of the development.

Co-housing is required to have some shared facilities, though there is flexibility on what or how much is shared. This will enable the future residents and unit title holders to determine the extent of communal living and private quarters. An

example of shared bedrooms would be guest rooms available in the development for visitors (i.e. family and friends) of any of the residents to be able to use. This could mean a resident may only require 1-2 bedrooms as their 'spare room' or guest room would be available on an as-needed basis.

3.2.11 Code provisions for Co-housing

Three submissions raised questions about the code provisions for co-housing including:

- Does co-housing have to be separate dwellings?
- Can co-housing be assessed under the Single Dwelling Housing Development Code if it is under single title?
- What are the coverage requirements for co-housing?

One of the submissions also suggested that the multi-unit housing development code should determine the number of dwelling units in co-housing.

Response

Co-housing units can be separate dwellings but are not required to be. The meaning of 'dwelling' under the *Planning and Development Regulation 2008* requires a kitchen in all dwellings. Co-housing provides the option for the kitchen to be shared along with other communal and shared spaces or for kitchens to be contained in the private spaces (and therefore separate dwellings).

Co-housing of two or more dwellings will be subject to the Multi Unit Housing Development Code. Co-housing of one dwelling will be subject to the Single Dwelling Housing Development Code. DV365 will be amended to include provisions in the Residential Zones Development Code. Table 1 and rules and criteria will be inserted to remove any doubt as to which specific elements of the Multi Unit Housing Development Code apply to co-housing.

3.2.12 Commercial accommodation, caravan and relocatable home parks and housing definitions generally

Two submissions indicated that there is insufficient difference between the definitions of boarding houses and co-housing. These submissions indicate that both boarding houses and co-housing are more like commercial accommodation such as guest houses than other forms of housing and they should be developed in commercial zones.

The two submissions also called for a review of all forms of commercial accommodation and dwelling definitions to protect residential amenity and character in the residential zones, particularly the RZ1 and RZ2 zones. One submission raised concerns that co-housing could look akin to a caravan park.

In contrast, another submission indicated that the proposed definitions of boarding house and co-housing in DV365 are too prescriptive. This submission indicated there needs to be more flexibility in housing definitions and forms to promote innovation and to meet community housing needs.

Response

Boarding houses and co-housing are defined as residential uses in the Territory Plan. A boarding house provides long term accommodation and where meals, laundry or other services are provided to the residents. A boarding house is most often in the form of separate bedrooms within a building. Co-housing differs from a boarding house in that it may consist of separate dwellings not contained in one building which can be unit-titled. Co-housing is also not required to provide meals, laundry, or other services to residents.

DV365 does not include guest houses. They are defined as commercial accommodation and are permitted in the RZ1 Suburban Zone at one guest house per section. Provisions for guest houses are more appropriately considered as part of a review of commercial accommodation in the ACT.

Caravans and other forms of relocatable dwellings are defined as caravan parks and mobile home parks and are prohibited development in the residential zones of the Territory Plan.

Co-housing is a form of housing that may be unit-titled. DV365 will be amended to include provisions in the Residential Zones Development Code. Table 1 and rules and criteria will be inserted to remove any doubt as to which specific elements of the Multi Unit Housing Development Code apply to co-housing.

The various residential zone objectives establish the desired character and amenity for each of the residential zones. There are different provisions in the residential codes relating to character, amenity, bulk, and scale of residential uses within each zone.

DV365 implements only a part of the Housing Choices Collaboration Hub recommendations. The Demonstration Housing projects initiated by the ACT Government are exploring housing choices and design outcomes. These projects may result in a variation to the Territory Plan to allow a greater diversity in housing outcomes in the future.

3.2.13 Protection of the Residential RZ2 Suburban Core Zone

One submission called for the protection of residential amenity and character of the RZ2 Zone. This submission indicated that the RZ2 Zone has been used for increased residential density and development over a long period of time.

Alternatively, another submission indicated that the RZ2 Zone is most suited to increases in residential density and development and called for the RZ2 Zone areas to be expanded to accommodate future and increasing demand.

Response

Both boarding houses and co-housing are entirely consistent with the objectives of the Residential RZ2 Suburban Zone. Boarding houses are already permitted in the RZ2 Zone. DV365 imposes a limit of 10 bedrooms on boarding houses in this zone to reduce potential impacts on residential amenity and character in this zone.

The A10 provisions (pre RZ2 Zone) were introduced in 2003 to focus modest levels of residential intensification in strategic locations usually within 200-300 metres of group and local centres.

An evaluation of the A10 areas was undertaken in 2007. This resulted in a tightening of provisions for the new RZ2 Zone which replaced the A10 areas in

2008. This included: limits on numbers of dwellings on blocks with narrow frontages; limits to development of apartment style dwellings; and requirements for development to better reflect existing residential character and amenity.

A further review was completed in 2013 under Territory Plan variation V306 which resulted in amendments to block size, dwelling numbers, consolidation of blocks, building design and car parking to improve development outcomes in the RZ2 Zone.

The location and extent of the RZ2 Zone boundaries is more appropriately undertaken as part of a broader review of residential zones and is therefore beyond the scope of DV365.

3.2.14 Energy efficiency of co-housing

One submission indicated that co-housing should be built to high energy efficiency standards.

Response

Energy ratings are dealt with through the various building and construction codes. They are not a requirement of the Territory Plan. However, the Territory Plan does contain a range of provisions to achieve solar access and passive solar gain to dwellings.

3.2.15 The collaboration hub

One submission raised questions about the Housing Choices Collaboration Hub and how the process was conducted.

Response

The details of the Housing Choices Collaboration Hub are available online at: <https://www.yoursay.act.gov.au/housing-choices>

The engagement process for the Housing Choices project involved multiple stages. The first stage was the release of a discussion paper. Community members provided feedback on this paper through workshops, submissions, an online survey and drop-in kiosks.

The outcome of this engagement was provided to the Collaboration Hub, a randomly selected group of 38 individuals that represented a broad cross-section of the Canberra community.

Invitations were sent to a random sample of approximately 15,000 residents. These were sent to physical addresses so as not to discriminate between those who own or rent their property.

During five in-depth sessions from May to July 2018, Collaboration Hub members were immersed in all aspects of planning and development in the ACT. They were provided with access to a range of experts from across industry and government. They discussed and deliberated on ideas, issues, and opportunities.

The Collaboration Hub was a deliberative process that brought together these citizens to discuss, deliberate and receive information on housing choices.

The outcome was a report of 13 recommendations for housing choices in Canberra that was presented to the Minister for Planning and Land Management in July 2018.

Subsequently, DV365 was released for public comment and input in relation to the specific provisions for co-housing and boarding houses.

The recommended draft variation 365 is required to be referred to the relevant Legislative Assembly Standing Committee for Planning. A Standing Committee can conduct inquiries and call for public submissions.

Ultimately it is the Legislative Assembly that determines if a Territory Plan variation can commence.

3.2.16 Community land for increased housing

One submission called for the utilisation of underutilised community land to be used for housing to meet demand.

Response

This is outside the scope of DV365 and is better undertaken as part of a broader review of the Community Facility Zone. A review of this zone was conducted in 2011 and Territory Plan variation 302 identified areas to be protected for community uses and areas suitable for a range of housing types permitted in this zone.

3.2.17 Support for DV365

One submission, from the Master Builders Association, indicated support for DV365.

Another submission indicated support for the co-housing concept.

Response

Noted.

4. COMPLIANCE WITH THE PLANNING AND DEVELOPMENT ACT 2007

4.1 Release for Public Comment (section 63)

DV365 was made available for public comment from 17 January 2020 to 6 March 2020 and a consultation notice under s 63 of the P&D Act was published in the ACT Legislation Register on 17 January 2020 and on the Public notice board on 17 January 2020.

4.2 Notice of Submission to the Minister (section 70)

In accordance with s 70 of the P&D Act, a public availability notice will be placed in the ACT Legislation Register stating that DV365 has been submitted to the Minister and that the documents are available for public inspection.

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5. APPENDICES

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APPENDIX 1
Draft variation 365 public release version

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APPENDIX 2
Copies of public comments received on draft variation 365

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Planning and Development (Draft Variation No 365) Consultation Notice 2020

Notifiable instrument NI2020—24

made under the

Planning and Development Act 2007, s 63 (Public consultation—notification)

1 Name of instrument

This instrument is the *Planning and Development (Draft Variation No 365) Consultation Notice 2020*.

2 Draft variation to the Territory Plan

The planning and land authority (the *Authority*) has prepared a draft plan variation No 365 Housing Choices – Boarding Houses and Co-Housing (the *draft variation*) to vary the Territory Plan. The draft variation proposes changes to implement some of the Housing Choices Collaboration Hub’s recommendations on ways to improve housing choices in the ACT through amendments to existing boarding house provisions, and by introducing new provisions for ‘co-housing’.

3 Documents available for public inspection

- (1) The Authority gives notice that the following documents are available for public inspection and purchase:
 - (a) the draft variation; and
 - (b) the background papers relating to the draft variation.
- (2) Copies of the documents mentioned in section 3 (1) are available for inspection and purchase at Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm for the period commencing on the day this notice commences and ending on 6 March 2020 (the *consultation period*).
- (3) Copies of the documents mentioned in section 3 (1) are also available for inspection during the consultation period online at <https://www.planning.act.gov.au/tools-resources/plans-registers/plans/territory-plan/draft-variations-to-the-territory-plan>

4 Invitation to give written comments

- (1) The Authority invites written comments about the draft variation during the consultation period. Comments should include reference to the draft variation and be addressed to the Territory Plan Section of the Environment, Planning and Sustainable

Development Directorate (*EPSDD*). Please also provide your name and contact details to assist in the assessment of the comments provided and to enable the Authority to contact you in relation to your comments, if required.

- (2) Written comments should be provided to the Authority by:
- (a) email to terrplan@act.gov.au; or
 - (b) mail to Territory Plan Section, EPSDD, GPO Box 158, Canberra, ACT 2601; or
 - (c) hand delivery to Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson.

Note All personal information will be managed in accordance with the *Information Privacy Act 2014* and the *EPSDD Information Privacy Policy* which are available through the EPSDD website.

5 Public inspection of written comments

- (1) Copies of written comments about the draft variation given in response to the invitation in section 4, or otherwise, or received from the National Capital Authority will be available (unless exempted) for public inspection for a period of at least 15 working days starting 10 working days after the day the consultation period ends, at Access Canberra Shopfront, Ground Floor South, Dame Pattie Menzies House, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm and may be published on the EPSDD website at www.planning.act.gov.au.
- (2) You may apply under section 411 of the *Planning and Development Act 2007* (the *Act*) for part of your consultation comments to be excluded from being made available to the public. A request for exclusion under this section must be in writing, clearly identifying what you are seeking to exclude and how the request satisfies the exclusion criteria. Please note that your name and contact details and other personal information will not be made public unless you request otherwise.

6 Effect of the draft variation

Section 65 of the Act does not apply in relation to the draft variation and therefore it does not have interim effect. The current Territory Plan will continue to apply while the draft variation remains in draft form.

7 Obtaining further information

Further information about the draft variation can be obtained through email correspondence with the Territory Plan Section, EPSDD, at terrplan@act.gov.au. A reference to the draft variation should be included in any email.

8 Dictionary

In this instrument:

draft plan variation No 365 Housing Choices – Boarding Houses and Co-Housing
means the draft plan variation in the schedule.

Carolyn O'Neill
Delegate of the planning and land authority
9 January 2020

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ACT
Government

Environment, Planning and
Sustainable Development

Schedule

Planning and Development Act 2007

Draft
Variation to the
Territory Plan
365

Housing Choices –
Boarding Houses and Co-Housing

January 2020

Draft variation for public circulation prepared
under s60 of the *Planning and Development Act 2007*

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Contents

1.	INTRODUCTION.....	1
1.1	Summary of the Proposal.....	1
1.2	Outline of the process	2
1.3	This document.....	3
1.4	Public Consultation.....	3
2.	EXPLANATORY STATEMENT.....	3
2.1	Background.....	4
2.2	Proposed Changes.....	7
2.2.1	Proposed Changes to the Territory Plan Map.....	7
2.2.2	Proposed Changes to Territory Plan.....	7
2.3	Reasons for the Proposed Draft Variation.....	8
2.4	Planning Context.....	9
2.4.1	National Capital Plan	9
2.4.2	ACT Planning Framework.....	9
2.5	Interim Effect.....	10
2.6	Consultation with Government Agencies.....	10
3.	DRAFT VARIATION.....	12
3.1	Variation to the Territory Plan.....	12
3.1.1	Variation to the RZ1 – Suburban zone development table	12
3.1.2	Variation to the RZ2 – Suburban core zone development table....	12
3.1.3	Variation to the RZ3 – Urban residential zone development table	12
3.1.4	Variation to the RZ4 – Medium density residential zone development table	13
3.1.5	Variation to the RZ5 – High density residential zone development table.....	13
3.1.6	Variation to the Residential Zones Development Code	13
3.1.7	Variation to the Definitions	14

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1. INTRODUCTION

1.1 Summary of the Proposal

The Housing Choices project has been undertaken by the Environment, Planning and Sustainable Development Directorate (EPSDD) to investigate whether the housing needs of the Canberra community are adequately understood, whether they are being met, and how they may be better met in the future.

A Housing Choices Discussion Paper released by EPSDD for consultation in November 2017 provided a basis for community comment to inform future planning decisions on improving housing choice. The next step of the project included the involvement of a new deliberative democracy process with a Collaboration Hub.

The Minister for Planning and Land Management, Mick Gentleman MLA, attended the final meeting of the Collaboration Hub and was presented with its final report of recommendations. The Government Response to the ACT Housing Choices Collaboration Hub Final Report was endorsed by the Government in September 2018. The Collaboration Hub made 13 recommendations. The Government gave in-principle support to all the recommendations, subject to further policy analysis and public consultation.

The draft variation to the Territory Plan (DV365) for Housing Choices proposes changes to implement some of the Housing Choices Collaboration Hub's recommendations on ways to improve housing choices in the ACT.

DV365 proposes changes to deliver greater diversity in dwelling types. These changes will be made through amendment to the residential codes and the definitions of the Territory Plan.

DV365 does not propose any changes to the Territory Plan that would apply to blocks that are registered or provisionally registered on the ACT Heritage Register. Where a block is registered or provisionally registered on the ACT Heritage Register, *Heritage Act 2004* provisions continue to apply, including any applicable Heritage Guidelines or Conservation Management Plans.

1.2 Outline of the process

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority that prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the planning and land authority are administered by the Environment, Planning and Sustainable Development Directorate (EPSDD). The Director-General of EPSDD is the planning and land authority.

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and non-urban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the volumes of the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD (planning and land authority) submits a report on consultation and a recommended final variation to the Minister responsible for planning for referral to the Legislative Assembly standing committee responsible for planning. The Minister must consider the findings of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.

1.3 This document

This document contains the background information in relation to the proposed variation. It comprises the following parts

Part 1 This Introduction

Part 2 An Explanatory Statement, which gives reasons for the proposed variation and describes its effect

Part 3 The Draft Variation, which details the precise changes to the Territory Plan that are proposed

1.4 Public Consultation

Written comments about the draft variation are invited from the public by **6 March 2020**.

Comments should include reference to the draft variation and be addressed to the Territory Plan Section, EPSDD. Please also provide your name and contact details to assist in the assessment of the comments provided, and to enable EPSDD to contact you in relation to your comments, if required. Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the EPSDD Information Privacy Policy, which is available for viewing on EPSDD's website.

Comments can be:

- emailed to terrplan@act.gov.au
- mailed to Territory Plan Section, GPO Box 158, Canberra, ACT 2601
- delivered to the Access Canberra Customer Service Centre at 16 Challis Street, Dickson

Copies of written comments received with respect to the draft variation will be made available for public inspection for no less than 15 working days starting 10 working days after the closing date for comment. The comments will be available at the Access Canberra customer service centre in Dickson and may be published on EPSDD's website. Comments made available will not include personal contact details unless you request otherwise.

A request may be made for parts of a submission to be excluded under section 411 or 412 of the *Planning and Development Act 2007*. A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Further Information

The draft variation and background documents are available online at **www.act.gov.au/draftvariations** until the closing date for written comments.

Printed copies of the draft variation (this document) and background documents are available for inspection and purchase at the Access Canberra Customer Service Centre, 16 Challis Street, Dickson, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call 6207 1923 to arrange a copy for purchase.

2. EXPLANATORY STATEMENT

2.1 Background

The Housing Choices project was undertaken by EPSDD to investigate whether the housing needs of the Canberra community are adequately understood, whether they are currently being met and how they can be better met in the future.

A Housing Choices Discussion Paper released for consultation in November 2017 provided a basis for community comment to inform future planning decisions on improving housing choice.

The approach to engagement and evidence-based policy development was collaborative, innovative and informed. It was carried out in two stages.

In stage one, feedback on housing choices was sought from the community and industry through media articles, correspondence and talk-back radio. EPSDD commissioned a social research survey of 1,000 citizens living across the city, and an economic analysis of the housing redevelopment market.

EPSDD released three reports:

- Housing Choices Discussion Paper (November 2017) for consultation from 17 November 2017 to 9 March 2018.
- Housing Choices Discussion Paper Community Engagement Report (May 2018).
- Housing Choices Collaboration Hub Information Kit (April 2018).

These reports informed the second stage of engagement from May to July 2018. This stage sought further feedback on housing choices from the community, including the Housing Choices Collaboration Hub (Collaboration Hub).

The Collaboration Hub was a group of 35 randomly selected individuals that represented a broad cross-section of the Canberra community.

The Collaboration Hub was a deliberative process that brought together these citizens to discuss, deliberate and receive information on housing choices. They considered the desires of stakeholders and best practice thinking to recommend options on ways to improve housing choices.

The Collaboration Hub participants wrote the recommendations report and provided it directly to the Minister for Planning and Land Management at the last Collaboration Hub meeting on 28 July 2018.

The Minister for Planning and Land Management gave support in-principle to all the Collaboration Hub's recommendations contained in its report. That is, the Minister agreed to the ideas proposed in the recommendations, with further detailed work required by EPSDD and other agencies to determine the most appropriate way to deliver the desired outcome.

The Government's response to each of the 13 recommendations is outlined in the *ACT Housing Choices Collaboration Hub: Government Response (September 2018)*. This report is available at <https://www.yoursay.act.gov.au/housing-choices>.

The Collaboration Hub's recommendations and other issues raised during consultation on the Housing Choices project will be considered and/or implemented through a variation to the Territory Plan and as part of the ACT Planning Review and other projects.

- a. Variation to the Territory Plan for Housing Choices – There will be a requirement for EPSDD to make changes to the Territory Plan in order to progress Recommendations 5 and 7.
- b. ACT Planning Review – Recommendations 4, 7 (part), 8 (part), 11 (part) and 12 will be considered and/or implemented through the review starting in 2019.
- c. Other projects – Recommendations 1-3, 6, 7 (part), 8 (part), 9-10, 11 (part) and 13 will be considered and/or implemented through work connected to the ACT Indicative Land Release Program, 2018 ACT Housing Strategy and Affordable Housing Innovation Fund, 2018 ACT Planning Strategy and Living Infrastructure project, ACT Transport Strategy: Moving Canberra (currently draft on consultation), Public Housing Renewal Program, Improving the ACT Building Regulatory System reforms and Demonstration Housing projects.

DV365 proposes changes to the Territory Plan to implement Recommendation 7 of the Collaboration Hub.

Theme 4 – Lifestyle and diversity – The current housing options driven by market do not provide flexibility for varying lifestyles in both physical space and possible procurement methods.

Recommendation 7 – *For both infill* and new developments, government should require and/or incentivise developers to deliver an increase in:*

- 1. Mix of dwelling sizes and diversity of dwelling types.*
- 2. The set proportion (%) of new dwellings that meet universal design standards: whilst taking into account different Precincts and changes over time.*

Other NOTES about Infill; this should allow:

- For rules to kick in over time, as spaces/blocks are redeveloped with reference to Precinct Plans.*
- For the mix and diversity for each area to be reviewed over time; not set and forget.*

Notes for Item 1. As examples for consideration/incorporation: single level age-in places, shop top living, build to rent, share housing, loft-style, courtyard, terrace house, mews and manor.

Notes for Item 2. Universal design is considered to be an adaptable house that is able to respond to changing lifestyle needs.

Rationale – Based on submissions/presentations by: Kate Auty, ACT Commissioner for Sustainability and Environment; Sue McGrath, The Benevolent Society; Clare Wall, Board of Community House Canberra; and Shane Garrett, Housing Industry Association.

EPSDD invited members of the Collaboration Hub and Stakeholder Reference Group to continue to be involved with the Housing Choices project. Many people from these groups expressed an interest in staying involved in the project. They attended workshops with EPSDD in November 2018 and February 2019 to explore the options for implementing recommendation 7. Key concerns raised at the workshops included the need to protect residential amenity and character, making sure there is enough space on blocks for landscaping, and good design of the built form and landscape.

These workshops led to the development of provisions to make changes to the Territory Plan, which are incorporated into DV365 for Housing Choices.

Note that DV365 does not propose any changes to the Territory Plan that would apply to blocks that are registered or provisionally registered on the ACT Heritage Register. Where a block is registered or provisionally registered on the ACT Heritage Register, *Heritage Act 2004* provisions continue to apply, including any applicable Heritage Guidelines or Conservation Management Plans.

2.2 Proposed Changes

2.2.1 Proposed Changes to the Territory Plan Map

There are no changes proposed to the Territory Plan map.

2.2.2 Proposed Changes to Territory Plan

DV365 proposes to make changes to the RZ1 – RZ5 Development Tables and Residential Zones Development Code of the Territory Plan; and to add a definition to the Territory Plan.

Boarding houses:

- Remove the allowance for boarding houses in RZ1.
- Limit boarding houses to ten bedrooms in RZ2. Boarding housings in RZ3, RZ4 and RZ5 will not have a bedroom limit (though the current plot ratio will continue to apply).

Notes:

- Boarding houses are not considered appropriate for the character of RZ1 zones due to increased traffic and vehicle movements, scale of development and number of bedrooms permitted.
- A boarding house provides long term accommodation and where meals, laundry or other services are provided to the residents. A boarding house is most often in the form of separate bedrooms within a building.
- Co-housing differs from a boarding house in that it may consist of separate dwellings not contained in one building and is not required to provide meals, laundry or other services to residents.
- Bulk and scale controls for boarding houses are not required, as building envelope and plot ratio are considered adequate tools to control bulk and scale.
- Car parking requirements will not be reduced, given concerns raised about parking. The current rules have criteria to allow for reductions if appropriate.

Co-housing developments in RZ2–RZ5:

- Allow co-housing in RZ2–RZ5.
- Introduce a new definition for ‘co-housing’ in the Territory Plan. Co-housing means a development with separate *dwelling*s or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.
- Require a minimum block size for co-housing of 1,050m².
- Allow unit titling of co-housing developments.
- Introduce a provision to allow block amalgamations on suitable blocks (i.e. adjacent blocks with shared boundaries) for a co-housing development.
- Reduce the extent of driveways, and encourage grouped, on-block car parking.
- Do not limit the number of dwellings for co-housing.

Notes:

- Co-housing will be considered separate dwellings and the plot ratio/site coverage provisions will control the scale of co-housing development.
- Car parking requirements will not be reduced for co-housing developments, given concerns raised about parking. The current rules have criteria to allow for reductions if suitable.

2.3 Reasons for the Proposed Draft Variation

The reason for the draft variation is to implement a recommendation of the Housing Choices Collaboration Hub (July 2018) to encourage housing choices and diversity in the ACT. Recommendation 7 is to deliver an increase in the mix of dwelling sizes and diversity of dwelling types.

The ACT Government gave in-principle support to the recommendation, subject to further policy analysis and consultation.

The draft variation is also consistent with the strategic directions of the ACT Planning Strategy 2018. In particular, a liveable Canberra and support for housing diversity for greater choice.

2.4 Planning Context

2.4.1 National Capital Plan

The *Australian Capital Territory (Planning and Land Management) Act 1988* established the National Capital Authority (NCA) with two of its functions being to prepare and administer a National Capital Plan (NCP) and to keep the NCP under constant review and to propose amendments to it when necessary.

The NCP, which was published in the Commonwealth Gazette on 21 January 1990 is required to ensure that Canberra and the Territory are planned and developed in accordance with their national significance. The *Planning and Land Management Act 1988* also requires that the Territory Plan is not inconsistent with the NCP.

2.4.2 ACT Planning Framework

Statement of Strategic Directions

The Statement of Strategic Directions sets out the principles for giving effect to the main objective of the Territory Plan as required by the *Planning and Development Act 2007*. The proposed variation is consistent with the Territory Plan's statement of strategic directions in terms of environmental, economic and social sustainability and spatial planning and urban design principles.

The proposed variation is consistent, in particular, with the following general principle:

2.5 A wide range of housing types will be permitted in identified residential areas close to centres and major transport routes to increase choice; maximise opportunities for affordable housing; and secure some intensification of development consistent with maintain residential amenity. Outside of these areas, planning policies will protect the typically low density, garden city character of Canberra's suburban areas.

ACT Planning Strategy 2018

The proposed variation is consistent with the ACT Planning Strategy 2018. In particular, it is consistent with the following directions and actions of the planning strategy:

- *Strategic Direction 4 Liveable Canberra, to support housing diversity for greater choice.*

Direction 4.4 Deliver Housing that is diverse and affordable to support a liveable city.

Action 4.4.1 Plan for a range of higher density development in appropriate and clearly defined locations with a mix of apartment and dwelling types to improve diversity and access, and to support ageing in place, changing family household preferences, range of affordability, and adaptable apartments.

Action 4.4.3 Building on the Housing Choices consultation, continue to develop planning mechanisms to facilitate the delivery of medium density housing options.

2.5 Interim Effect

Section 65 of the Planning and Development Act 2007 does not apply in relation to the draft variation so it does not have interim effect. The current Territory Plan will continue to apply while the variation remains in draft form.

2.6 Consultation with Government Agencies

The EPSDD is required to, in preparing a draft variation under section 61(b) consult with each of the following in relation to the proposed draft variation:

- the National Capital Authority
- the Conservator of Flora and Fauna
- the Environment Protection Authority
- the Heritage Council
- the Land Custodian, if the draft variation would, if made, be likely to affect unleased land or leased public land – each custodian for the land likely to be affected.

National Capital Authority

The National Capital Authority provided the following comments on 30 September 2019:

“The National Capital Authority has no comment to make on DV365 – Boarding Houses and Co-Housing. The NCA supports the intent to improve the diversity and mix of residential accommodation types.”

Response

Noted.

Conservator of Flora and Fauna

The Conservator of Flora and Fauna made the following comments on 25 September 2019:

“In accordance with Section 61(b) of the Planning and Development Act 2007 I advise that I have examined Draft Variation No 365, Housing Choices – Boarding Houses and Co-Housing. I support the Draft Variation and have no comment.”

Response

Noted.

Environment Protection Authority

The Environment Protection Authority provided the following comments on 24 September 2019:

“Thank you for the opportunity to review and provide comment on the Draft Territory Plan Variation No 365 Housing Choices – Boarding Houses and Co-housing (DV365) that makes changes to the residential codes relating to Boarding House provisions and introduces a definition for ‘Co-housing’. The Environment Protection Authority has no comment in relation to the proposed changes.”

Response

Noted.

Heritage Council

The Heritage Council provided the following comments on 23 September 2019:

“On 16 September 2019, the ACT Heritage Council (the Council) received a request for comment on Draft Territory Plan Variation (TPV) 365 and Draft TPV 369. Draft TPV 365 ‘Housing Choices – Boarding Houses and Co-housing’ proposes changes to delivery greater diversity in dwelling types. The Council appreciates that Draft TPV 365 includes a disclaimer stipulating that the variation does not propose any changes to blocks that are registered or provisionally registered on the ACT Heritage Register and the provisions of the Heritage Act 2004, including any applicable Heritage Guidelines or Conservation Management Plans will continue to apply to these blocks. This disclaimer reflects the content of previous Council advice on Draft TPV 365, dated 12 June 2019.

In light of the above, the Council raises no objection to Draft TPV 365 or Draft TPV 369.”

Response

Noted.

3. DRAFT VARIATION

3.1 Variation to the Territory Plan

The Territory Plan is varied in all of the following ways:

3.1.1 Variation to the RZ1 – Suburban zone development table

1. RZ1 – Suburban zone development table – MINIMUM ASSESSMENT TRACK MERIT
--

Omit

boarding house

2. RZ1 – Suburban zone development table – PROHIBITED DEVELOPMENT
--

Insert

boarding house

3.1.2 Variation to the RZ2 – Suburban core zone development table

3. RZ2 – Suburban core zone development table – MINIMUM ASSESSMENT TRACK MERIT

Insert

co-housing

3.1.3 Variation to the RZ3 – Urban residential zone development table

4. RZ3 – Urban residential zone development table – MINIMUM ASSESSMENT TRACK MERIT

Insert

co-housing

3.1.4 Variation to the RZ4 – Medium density residential zone development table

5. RZ4 – Medium density residential zone development table – MINIMUM ASSESSMENT TRACK MERIT

Insert

co-housing

3.1.5 Variation to the RZ5 – High density residential zone development table

6. RZ5 – High density residential zone development table – MINIMUM ASSESSMENT TRACK MERIT

Insert

co-housing

3.1.6 Variation to the Residential Zones Development Code

7. Relevant Development Codes and General Codes

Insert in the development/use column in Table 1:

co-housing

8. Part B – Other forms of residential development

Insert

Element 8: Co-housing in RZ2—RZ5

8.1 Design and siting	
R32A The minimum <i>block</i> size for a <i>co-housing</i> development is 1,050m ² .	This is a mandatory requirement. There is no applicable criterion.
8.2 Subdivision	
R32B Subdivision under the <i>Unit Titles Act 2011</i> of a <i>co-housing</i> development is permitted. Note: Block amalgamations on suitable blocks (i.e. adjacent blocks with shared boundaries) are permitted for a co-housing development.	This is a mandatory requirement. There is no applicable criterion.

8.3 Parking	
<p>R32C</p> <p><i>Co-housing</i> development complies with all of the following:</p> <p>a) increase in the number of verge crossings is not permitted</p> <p>b) car parking spaces are provided in a single combined parking area screened from public view.</p>	<p>C32C</p> <p><i>Co-housing</i> development complies with all of the following:</p> <p>a) minimises the extent of driveways</p> <p>b) encourages grouped car parking, suitably screened from public view</p> <p>c) considers visual amenity impacts of grouped car parking on internal residents.</p>

Renumber

Element 8 in Part C, Element 9, Element 10 in Part D, Element 11 in Part E, Element 12 in Part F and Elements 13 and 14 in Part G

9. 6.1 Design and siting

Insert

Element 6: Boarding houses in RZ2

6.1 Design and siting	
<p>R25A</p> <p>This rule applies to <i>boarding house</i> in RZ2.</p> <p>The maximum number of bedrooms in the boarding house is 10.</p>	<p>This is a mandatory requirement. There is no applicable criterion.</p>

3.1.7 Variation to the Definitions

10. Definitions, Part 13.1 Definitions, Part A Definitions of development

Insert in the Development column for RESIDENTIAL USE:

Co-housing means a development with separate *dwellings* or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.

Omit from the Development column for RESIDENTIAL USE:

Boarding house means the use of land to principally provide long term accommodation where meals, laundry or other services are provided only to those residents of the *boarding house*, and which is not licensed to sell liquor.

Insert

Boarding house means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the *boarding house*, and/or may also include shared facilities, such as communal living area, bathroom, kitchen or laundry facilities. A *boarding house* is not licensed to sell liquor under the *Liquor Act 2010*.

Interpretation service

ENGLISH	If you need interpreting help, telephone:
ARABIC	: إذا احتجت لمساعدة في الترجمة الشفوية ، إتصل برقم الهاتف :
CHINESE	如果你需要传译员的帮助，请打电话：
CROATIAN	Ako trebate pomoć tumača telefonirajte:
GREEK	Αν χρειάζεστε διερμηνέα τηλεφωνήσετε στο
ITALIAN	Se avete bisogno di un interprete, telefonate al numero:
MALTESE	Jekk għandek bżonn l-għajnuna t'interpretu, ċempel:
PERSIAN	: اگر به ترجمه شفاهی احتیاج دارید به این شماره تلفن کنید:
PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
SPANISH	Si necesita la asistencia de un intérprete, llame al:
TURKISH	Tercümana ihtiyacımız varsa lütfen telefon ediniz:
VIETNAMESE	Nếu bạn cần một người thông-ngôn hãy gọi điện-thoại:

TRANSLATING AND INTERPRETING SERVICE

131 450

Canberra and District - 24 hours a day, seven days a week

From: [REDACTED]
To: [Terrplan](#)
Subject: Comment on DV365
Date: Tuesday, 21 January 2020 12:08:35 PM

Comment on DV365:

We support the proposals around co-housing in RZ2-RZ5 with the proviso that there should be an up-front allowance for reduced car parking. The ethos of sharing and community in a co-housing project will, especially in our urban environment, extend to the usage of cars. Traditional allowances for car parking will increasingly waste space that could be much more effectively utilised for other purposes in a co-housing environment.

We have an interest in a small scale co-housing venture in the RZ1 zone that is part of the ACT Government's Demonstration Housing Project. It is our hope that small scale co-housing will eventually be permissible on larger blocks in selected locations in the RZ1 zone.

[REDACTED]
Downer ACT 2602

From: [REDACTED]
To: [Terrplan](#)
Subject: ACT Housing Choices
Date: Monday, 10 February 2020 2:48:17 PM

Territory Plan Section of the Environment, Planning and Sustainable Development Directorate (EPSDD)

I refer to Draft Variation 365

I am currently a resident in a cottage in the Inner North suburb of Ainslie, and I wish to support the development of a Co-housing option to be provided to all areas of Canberra, in particular a proposed project at 24 Angas Street, Ainslie.

Such developments should include options for shared facilities, e.g. gardens, off-street garage, workshop, laundry, drying facilities, kitchen, dining, lounge, bathroom, guest accommodation, and meeting room. All accommodation should be constructed to meet the highest Energy Efficiency Ratings to maximise the least ongoing costs of living and maintenance of the buildings.

[REDACTED]
[REDACTED]

AINSLIE ACT 2602

From: [REDACTED]
To: [Terrplan](#)
Subject: Re: Dv365 feedback
Date: Monday, 10 February 2020 8:05:31 PM

Further to my email, Victoria changed its planning for boarding house/rooming house in October 2018 so that a planning permit is not required for 9 bedroom up to 300sqm and Carparking is not required. Please consider making act variation similiar to Victoria planning scheme amendment to encourage more affordable housing and housing choices and making it financially viable for these developments.

> On 10 Feb 2020, at 8:00 pm, [REDACTED] wrote:

>

> Good evening,

> I support dv365 for no boarding houses on rz1. I support limiting boarding house to ten bedrooms on rz2. I do not support the car parking is not reduced. The number of car parks required should be reduced as it will be not commercially viable for a block on rz2 to have 10 bedroom and car parking.

>

> [REDACTED]

[REDACTED]
Giralang ACT 2617
17 February 2020

**Territory Planning Section
Environment, Planning and Sustainable Development Directorate
GPO Box 158
Canberra ACT 2601**

**Planning and Development (Draft Variation No 365) Consultation Notice 2020
Submission re proposed Draft Variation**

We write in support of the above draft variation to the Territory Plan but wish to place on record a submission with respect to the definition of a boarding house. Our submission arises from the intense experience (and research we undertook) concerning the disallowed proposal for a boarding house in Giralang, [REDACTED] (re DA 201732840).

In our minds, the key defining element yet to be identified is what distinguishes a boarding house from other forms of accommodation that are alternatives to residential tenancies (distinguished by being subject to occupancy agreements under the Residential Tenancies Act (ACT, 2004)).

We support banning boarding houses in RZ1 zones

Lest there be any misapprehension, we emphasise that we wholly endorse the proposal to amend the Territory Plan to prohibit boarding houses in RZ1 residential areas.

We submit that as a matter of public policy, and consistent with the conclusions and recommendations of the Housing Choices Collaboration Hub, the reasons set out in the Delegate's Notice of Decision on Reconsideration dated 21/06/2019 persuasively argue the case against a development such as proposed in that DA in a RZ1 residential area.

By prohibiting boarding houses in RZ1 zones Draft Variation 365 provides security for residents of those residential areas against proposed developments such as DA 201732840 which caused such distress in Giralang and which are so at odds with their residential amenity.

New Territory Plan definition of a boarding house

EPSDD appears to have revisited the Boarding House issue in this Territory Plan draft variation in the context of the Housing Choices Collaboration Hub recommendation "*to encourage housing choices and diversity in the ACT. Recommendation 7 is to deliver an increase in the mix of dwelling sizes and diversity of dwelling types*". We assume that EPSDD also has in mind AC Government proposals with respect to amendments to the Residential Tenancies Act 2004.

It goes without saying that in the context of the present housing market nationally and in the ACT, diversity in housing choices and low cost accommodation are public housing issues of considerable public policy significance.

Boarding Houses have existed in the ACT and elsewhere for some time and have proved attractive especially to lower income and transient populations. We support the

recommendation but urge an approach that takes advantage of experience interstate and in a manner that ensures reasonable policy certainty.

Certainty or at least clarification of the rights and obligations of both “grantors” and “occupants” under an occupancy agreement is stated by the Attorney General to underlie recent rental reforms introduced to the ACT Legislative Assembly dealing with occupancy requirements for boarding houses (Residential Tenancies Amendment Bill, 2020).

We are delighted at the additional protections the Bill sets out for both “grantors” and “occupants” as defined under the Act. With respect to boarding houses the main issue not taken up is that of on-site supervision or management.

In his Ministerial Statement introducing the Bill, Attorney General Ramsay stated that amendments sought to overcome “lack of certainty” with respect to elements of occupancy agreements currently required under the Residential Tenancies Act (ACT, 2004).

We submit that the proposed definition of a boarding house with respect to Zones other than RZ1 while a significant improvement on the existing definition in the Territory Plan omits a materially relevant element that is a defining characteristic of boarding houses and is necessary for a reasonable level of certainty. That element is on-site or residential management.

Some background may be useful in understanding our submission.

The NSW example

Across Australia low cost accommodation is a sector that is expanding and changing to meet demand, not always appropriately, as anecdotal Press reports tend to demonstrate. The NSW experience is relevant and instructive: in his Second Reading Speech to the *Boarding House Bill* in October 2012 the (Liberal) NSW Housing Minister made clear why regulation was necessary.

Briefly, the NSW Act was introduced with the view to improving conditions and security for residents and neighbours. Perhaps just as importantly it was aimed at ensuring that operators comply with minimum standards of operation.

While it could be argued that the occupancy agreement approach provides such protections, the NSW Government identified a significant need for registration, regulation and inspection of boarding houses providing for more than 5 residents (see the *Boarding House Act, NSW 2012*). In particular, the Act provides for a *manager* who is “responsible for the day to day running of the premises”.

We draw attention to this in particular because the proposed definition of Boarding House in RZ2 areas is to allow facilities of up to 10 bedrooms and in other areas plot ratios are expected to “limit” developments to indeterminate numbers of rooms.

It seems to us that at the very least the definition of a boarding house should therefore require on-site (that is, residential) supervision and management (that is, responsibility for day to day running of the facility) to ensure orderly and accountable conduct.

The character of a boarding house

Put at its most basic, definitions in the Territory Plan form the framework within which, (together with Codes, Rules and Criteria, and other provisions) proponents develop and submit applications and against which those DA's are assessed.

A boarding house is currently defined at Part 13 Definitions of the Territory Plan as: the use of land to principally provide long term accommodation where meals, laundry or other services are provided only to those residents of the boarding house, and which is not licensed to sell liquor .

The definition is an umbrella term, covering any use involving accommodation other than those defined elsewhere in the Territory Plan. Long term accommodation is undefined as are the services mentioned. Relevantly Territory Plan definitions of *Guest House*, *Hotel* and *Motel* fall under the heading of Commercial Accommodation Use, as do *Commercial Accommodation Unit* and *Serviced Apartment*. At present, just what a boarding house is to be understood to be is something of an open question.

The proposed replacement definition is: "***Boarding house*** means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the boarding house, and/or may also include shared facilities, such as communal living area, bathroom, kitchen or laundry facilities. A boarding house is not licensed to sell liquor under the Liquor Act 2010."

As traditionally understood a boarding house catered for people who needed a place to stay that was comfortable, affordable and often near public transport. There would usually be someone who managed day to day operations.

We suggest that the notion remains relevant and is fundamentally different to, for example, the Victorian notion of a rooming house. A rooming house in Victoria is a building where one or more rooms are available to rent, and four or more people in total can occupy those rooms. Minimum legislated standards apply to a rooming house and its rooms, irrespective of whether the resident is on a rooming house agreement or individual tenancy agreement.

It is apparent that the DA rejected in Giralang was more akin to the Victorian model than to a traditional boarding house.

Key definition elements:

We submit the key elements of a definition of a boarding house include:

- *long term accommodation* – we suggest a reference to arrangements subject to an occupancy agreement under the Residential Tenancies Act or its successors would be appropriate;
- *services* - where meals, laundry or other services are provided only to those residents of the boarding house, would seem an appropriate formulation;
- *accommodation facilities* - may also include shared facilities, such as communal living area, bathroom, kitchen and laundry facilities; and

- *on-site management* – a key characteristic of a boarding house fundamental to the concept is that of an appropriate person (proprietor or manager) managing the premises and the provision of services to occupants. We submit that an appropriate person should satisfy a "fit and proper person" background check and have a defined role.

A further public policy reason to require inclusion in the Territory Plan of such requirement lies in the fact that the ACT does not regulate boarding houses other than through the medium of occupancy agreements.

For example, *Boarding houses* are not declared as being a Public Health Risk Activity for the purposes of the Public Health Act 1997 – which would require registration and compliance with a code of practice for public health/hygiene purposes. Inspections are apparently not carried out. Inclusion of on-site management in the Territory Plan definition would, we submit, support the intention of the proposed amendments to the Residential Tenancies Act.

Put another way, the conduct of a boarding house appears to be a matter for relations between the grantor and the various occupants the subjects of occupancy agreements. In short there is potential for problems impacting residential area amenity as well as public health and safety. Hence we submit the need to specify in the definition (or otherwise in the Territory Plan) on-site supervision or management.

Public policy risks arising in relation to boarding houses

Risks arising from a lack of regulation for boarding house facilities, (especially in relation to larger facilities) include:

- the need as in NSW for requirements and regular inspections directed to safety (especially fire safety such as hard wired smoke detectors, passive fire rating, sprinkler systems and fire escape arrangements, back to base fire alarms as per Building Code of Australia C3 boarding houses), welfare and well being of residents and neighbours; &
- appropriate insurance of premises and residents.

Yours sincerely

[Redacted signature block]

[Redacted text block]

[Redacted text block]

Comments for Draft Variation 365

Bloom Collective

To whom it may concern,

Thankyou for the opportunity to provide feedback on the draft variation 365.

My name [REDACTED], I have recently founded a company Bloom Collective, (nothing to see online yet) but our goal is merging advanced manufacturing and technology with social design thinking. Our approach is systems oriented, we analyse specific needs within communities and search for abilities and resources we can leverage in other areas. We are committed to facilitating quality shared living outcomes for a broad cross section of our community, currently focusing on disability and affordability.

I've recently returned from a 10 week research tour in Europe investigating the future of shared living as part of a Winston Churchill fellowship. I was fortunate to view a number of shared living models that are proving to be highly successful in meeting social, economic and environmental objectives and I'm keen to share my learnings and apply these new methodologies in Australia. The models I was most impressive by are new models adapting learning from many different areas, the other key ingredient is the relationship between industry and governments. The projects that had input from occupants, developers architects and municipalities were heads above the rest. I believe the ACT have an amazing opportunity to be leaders and this space and would love to help facilitate these opportunities.

In relation to the draft variation, I think more consideration should be given to the different types of cohousing/ shared level models. Cohousing as it seems to be defined is a very specific type of shared living, coliving, cooperatives and other types of build to rent models do not seem to be taken in to account for these regulations. In short, I am concerned that this draft variation will exclude or indeed make it more difficult to test some of these concepts.

I would like to be a part of future discussions regarding cohousing and other shared living models in the ACT as industry-government partnerships are crucial. In addition, it is critical to ensure policy is underpinned by innovation and I believe I am well-placed to contribute to the policy development phase.

Overall, I think more can be done to achieve the government's objectives of creating density and diversity while maintaining character and amenity. I understand the need to change boarding house regulations but it's important not to miss the opportunity to

ensure these changes reflect and take account of innovative shared living models. I don't see that the current regulations and variation will facilitate these outcomes as best they can.

I would love to hear more about how I can be more closely engaged with you on these important policy discussions.

Here are my comments on the Draft variation

Excerpt A Housing Choices Discussion Paper released by EPSDD for consultation in November 2017 provided a basis for community comment to inform future planning decisions on improving housing choice.
(2020-24, p.9)

Comment What did you find out in relation to the communities understanding of needs? Our perception is that people's understanding of needs is quite limited therefore any comments and decisions that are informed by people who do not completely understand the needs or root causes will have needs and concerns of their own that are not addressing root causes rather symptoms.
(Refers to a comment with text: 'The Housing Choices project was undertaken by EPSDD to investigate whether the housing needs of the Canberra community are adequately understood,')

Excerpt community comment to inform future planning decisions on improving housing choice.
(2020-24, p.12)

Comment Whilst it's important our decisions are informed by the needs of our community it is also key that people's comments are informed. Are we making decisions based on a reaction to a symptom of a problem or trying to solve the problem at its root.
(Refers to a comment with text: 'community comment to inform future planning decisions on improving housing choice.')

Excerpt In stage one, feedback on housing choices was sought from the community and industry through media articles, correspondence and talk-back radio. EPSDD commissioned a social research survey of 1,000 citizens living across the city, and an economic analysis of the housing redevelopment market.
(2020-24, p.12)

Comment How were these 1000 people chosen? What areas and needs did they represent?
(Refers to a comment with text: 'In stage one, feedback on housing choices was sought from the community and industry through media articles, correspondence and talk-back radio. EPSDD commissioned a social research survey of 1,000 citizens living across the city, and an economic analysis of the housing redevelopment market.')

Excerpt The Collaboration Hub was a group of 35 randomly selected individuals that represented a broad cross-section of the Canberra community.
(2020-24, p.13)

Comment How were these people chosen randomly? What needs, understanding and qualifications did they have / inform. How can we become involved in future focus groups?
(Refers to a comment with text: 'The Collaboration Hub was a group of 35 randomly selected individuals that represented a broad cross-section of the Canberra community.')

Excerpt Key concerns raised at the workshops included the need to protect residential amenity and character, making sure there is enough space on blocks for landscaping, and good design of the built form and landscape.
(2020-24, p.14)

Comment These opinions sounds like concerns property owners.
(Refers to a comment with text: 'Key concerns raised at the workshops included the need to protect residential amenity and character, making sure there is enough space on blocks for landscaping, and good design of the built form and landscape.')

Excerpt Action 4.4.1 Plan for a range of higher density development in appropriate and clearly defined locations with a mix of apartment and dwelling types to improve diversity and access, and to support ageing in place, changing family household preferences, range of affordability, and adaptable apartments. Action 4.4.3 Building on the Housing Choices consultation, continue to develop planning mechanisms to facilitate the delivery of medium density housing options.
(2020-24, p.18)

Protecting amenity and character is important, but it seems to be the biggest concern or result to have come out of the collaboration hub. From what we can see it is not encouraging or making it easy to create diversity or density.

Object Group

Excerpt Introduce a new definition for 'co-housing' in the Territory Plan. Co-housing means a development with separate dwellings or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries
(2020-24, p.16)

Comment Does this mean all Cohousing? Will Cohousing cover build to rent opportunities owned by a single operator. Not separately titled?
(Refers to a comment with text: 'Introduce a new definition for 'co-housing' in the Territory Plan. Co-housing means a development with separate dwellings or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries')

Object Group

Excerpt • Co-housing will be considered separate dwellings and the plot ratio/site coverage provisions will control the scale of co-housing development.
(2020-24, p.16)

Comment Does it have to be considered separate dwellings? What are coverage provisions?
(Refers to a comment with text: '• Co-housing will be considered separate dwellings and the plot ratio/site coverage provisions will control the scale of co-housing development.')

Object Group

Excerpt This rule applies to boarding house in RZ2. The maximum number of bedrooms in the boarding house is 10.
(2020-24, p.22)

Comment Why 10 bedrooms? Will this be different for Cohousing? Cohousing states there will not be a limit, if developments do not impose on the character or amenity of the surrounding neighbourhood they should be assessed on merit.
(Refers to a comment with text: 'This rule applies to boarding house in RZ2. The maximum number of bedrooms in the boarding house is 10.')

Excerpt Co-housing means a development with separate dwellings or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.
(2020-24, p.22)

Comment Currently boarding houses are not assessed under a multi unit housing development code this makes it easier to create density and diversity when done right. Will Cohousing be assessed under the multi unit development code? if they are classed as separate dwellings/ can Cohousing be classed as a single title to avoid the multi unit development codes.
(Refers to a comment with text: 'Co-housing means a development with separate dwellings or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.')

Comment Ask Alex?
(Refers to a comment with text: 'What are bulk and scale controls?'; Refers to a comment with text: 'Subsidising underground car parking would allow opportunity')

Excerpt The Housing Choices project was undertaken by EPSDD to investigate whether the

housing needs of the Canberra community are adequately understood,
(2020-24, p.12)

Excerpt The Collaboration Hub made 13 recommendations. The Government gave in-principle support to all the recommendations, subject to further policy analysis and public consultation.

(2020-24, p.9)

Object Group

1. *Mix of dwelling sizes and diversity of dwelling types.*
2. *The set proportion (%) of new dwellings that meet universal design standards: whilst taking into account different Precincts and changes over time.*

Excerpt

(2020-24, p.14)

Comment Use this to support our argumentS,
(Refers to a comment with text: '(null)')

Object Group

Excerpt • Allow co-housing in RZ2–RZ5.

(2020-24, p.16)

Comment Limiting Cohousing to rz2 makes people compete with other types of developments having different levels of Cohousing would allow for more diverse opportunity and affordability. Cohousing can be done in stealth on RZ1 and not disrupt neighbourhoods

(Refers to a comment with text: '• Allow co-housing in RZ2–RZ5.')

Object Group

Excerpt Co-housing development complies with all of the following: a) minimises the extent of driveways b) encourages grouped car parking, suitably screened from public view c) considers visual amenity impacts of grouped car parking on internal residents.

(2020-24, p.22)

Excerpt. Reduce the extent of driveways and encourage grouped, on block car parking.

Comment Subsidising or incentivizing underground car parking would allow opportunity to create more density without disrupting character and amenity, Underground parking is crucial to creating urban density. Potentially we can generate 50% more usage of land by building underground. It has to be a priority.

Comment Supporting for incentivising underground carparking
(Refers to a comment with text: 'Co-housing development complies with all of the following: a) minimises the extent of driveways b) encourages grouped car parking, suitably screened from public view c) considers visual amenity impacts of grouped car parking on internal residents.')



P.O. Box 4082
HAWKER ACT 2614
secretary@friendsofhawkervillage.com
Phone: 0435 534 998

Territory Plan Section,
EPSDD,
GPO Box 158,
Canberra, ACT 2601

By email: terrplan@act.gov.au

DRAFT PLAN VARIATION NO 365 HOUSING CHOICES – BOARDING HOUSES AND CO-HOUSING

In 2018 and 2019, the Friends of Hawker Village (FOHV) made submissions on a proposal to build a “boarding house” comprising 24 bedrooms in an RZ1 area of Giralang (DA 201732840). We are, therefore, pleased to see this attempt to clarify different types of housing and their appropriate location. Attached is a compilation of the hierarchy of accommodation types from the current Territory Plan Definitions, where listed, and from other sources where not listed. We have serious concerns regarding the new definition of a *boarding house* and the possibly negative impacts of *co-housing* in established residential areas.

Definitions

The definition of boarding house appears to have become corrupted over the years. Traditionally, the word ‘board’ described a table and was associated with the provision of a meal. A boarder was someone who received a meal for payment at another person’s house.¹ A lodger was someone who resided in another person’s house, again for payment. A boarding house was a place, usually a home, at which board was furnished, often with lodging.² A boarding school was a school that provided board and lodging.³ In both cases, provision of board and lodging was in a property where the owner was responsible for providing these services. Some supervision was usually applied, either by the owner or a resident manager.

¹ The Shorter Oxford English Dictionary, Oxford University Press, 1973

² Macquarie Dictionary, Macquarie University NSW, 1981

³ Ibid

The revised definition proposed in DV 365 is:

Boarding house means the use of land to provide the residents with a principal place of residence for 3 months or more where meals, laundry or other services are provided only to those residents of the *boarding house*, and/or may also include shared facilities, such as communal living area, bathroom, kitchen or laundry facilities. A *boarding house* is not licensed to sell liquor under the *Liquor Act 2010*.

Firstly, we presume that the introduction of a minimum three-month occupancy period for boarding houses is designed to allow B&B-type arrangements in RZ1. These are similar arrangements to a boarding house but are usually for short periods of a few days, hence they would not comply with the proposed definition of *boarding house* nor that of *guest house*. Whilst there is no mention of B&Bs in the legislation, we note the definition that “A commercial accommodation unit may comprise a *dwelling* but not a room or suite of rooms within a *dwelling*”. This means that B&Bs and boarding houses are not classified as commercial activities, as long as they comprise a single dwelling, as per the definition in the *Planning and Development Regulations 2008*.

Secondly, the Notes on p.15 of the Proposed Changes to the Territory Plan state that:

A boarding house provides long term accommodation and where meals, laundry or other services are provided to the residents. A boarding house is most often in the form of separate bedrooms within a building.

This explanation is not explicit in the proposed definition which does not describe the type of accommodation nor does it require the provision of any services or supervision. The proposed wording can be interpreted as meaning that such services *may* be provided but only to the residents.

In these respects, it is not particularly different from the definition of co-housing:

Co-housing means a development with separate *dwellings* or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building.

In relation to this definition, the inclusion of the word ‘bedrooms’ in the shared indoor components is questionable. Presumably, the separate dwellings might have more than one bedroom or more than one resident. If the intention is to provide a bedroom available for temporary guests of residents, then this should be made clearer. As it stands, there seems to be no significant difference between an unsupervised “boarding house” and a co-housing development where the design is such that it cannot easily be unit-titled.

If a boarding house was permitted to have the proposed 10 bedrooms this would enable 20+ people to reside at a single property in a residential zone (along with a similar number of vehicles). Accommodation of this scale is unacceptable in residential zones. FoHV are,

therefore, concerned to note in the current RZ1 – Suburban Zone Development Table, that both boarding and guest houses are permitted. DV 365 does not make any mention of guest houses so, presumably, it is intended that this provision will continue. In *Definitions, Part A – Definitions of Development* in the Territory Plan, as at 13 December 2019, boarding houses are listed alphabetically with no Umbrella Term. Guest houses, on the other hand, are listed under the Umbrella Term of Commercial Accommodation Use. DV 365 is contradictory in banning boarding houses from RZ1 but continuing to allow guest houses there.

The current definition of a *guest house* is the use of land for one or more commercial *accommodation units* and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non-occupant members of the public. Without the requirement for the provision of meals and no limitation on number of units a guest house is not dissimilar in many respects from a boarding house or co-housing. Guest houses need to be prohibited in Residential Zones or, at a minimum, prohibited in RZ1 and RZ2.

Uniformity

The proposed definitions do not explain where certain existing residences fit under the definitions. As an example, 3 Rosewood Place, Hawker was built as a standard large family home but is now used as multi-rental premises. It is not known whether the owner currently resides there on a permanent basis but at least three unrelated people occupy the bedrooms and share the use of the bathroom, kitchen and laundry facilities on a long-term basis. No services are provided. The tenants are not a group of friends and do not live cooperatively when it comes to meals or laundry. They have become tenants separately, so the premises do not qualify as a group house under a standard residential Tenancy Agreement. This is an RZ1 area. Does this use of a family home qualify as a boarding house or co-housing? Is it appropriate in an RZ1 area given that neither boarding houses nor co-housing will be permitted in RZ1 under DV 365?

It is impossible to control the nature of private accommodation arrangements. We suggest a different definition of boarding house that will attempt to ensure that it is an accommodation arrangement that is small scale, appropriate for residential areas and does not negatively impact on the residential amenity of others. Co-housing has the flavour of build-to-rent (or a small caravan park or motel) and block consolidation could enable very inappropriate developments in established residential zones.

Like B&Bs, all boarding house arrangements, guest houses and co-housing are potentially commercial in nature. Unless they are required to operate on a very small scale they should not be permitted in established residential zones.

Co-housing is similar to the housing arrangements of the early kibbutz in Israel where a small community lived on a farm. Here, the residents had private living quarters but ate in a communal dining room and shared other communal facilities. Residents were united in a common purpose to make their farm successful and, hence, to guarantee comfortable living. Co-

housing will be a different environment where there is no united purpose and no over-arching authority. It is not appropriate for and should not be permitted in either RZ1 or RZ2 areas.

Suggested changes to DV 365:

Whilst Variation 3.1.1 to the RZ1 Suburban Zone Development Table will specifically prohibit boarding houses, there is no such prohibition for co-housing or guest houses. This is possibly an oversight and co-housing and guest houses need to be inserted into RZ1 – Suburban zone developments table – PROHIBITED DEVELOPMENT.

3.1.2-5 Co-housing and guest houses are inappropriate in these residential zones and should be permitted within commercial zones only.

Element 8 – Co-housing is inappropriate in these residential zones.

Element 6 – The maximum number of bedrooms for a boarding house in RZ2 should be 4 (10 bedrooms is the scale of a small motel).

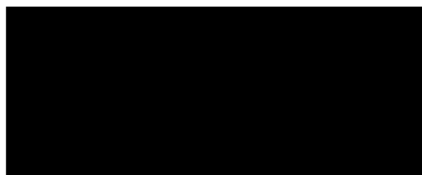
Suggested definition:

Boarding house means the use of land to provide the residents with a principal place of residence for 3 months or more within a private single dwelling. The lessee must reside on the premises and provide morning and evening meals. A boarding house is not licensed to sell liquor under the Liquor Act 2010.

Finally, DV 365 does not include reference to guest houses despite its being a permitted use in RZ1. As a guest house is defined as commercial accommodation, it is not appropriate in residential zones and this needs to be reflected in the legislation.

Conclusion

Whilst DV 365 is a step in the right direction, FoHV finds it to be an inadequate response to limiting the scale of certain types of development in residential zones, in particular, boarding houses, guest houses and now co-housing. So long as legal interpretation relies on the actual words used, rather than the intent, more precise descriptions are needed. A thorough review of the definitions of each of these accommodation types and determination of appropriate limitations needs to be undertaken to ensure they do not negatively impact on the residential amenity of residents in established suburbs.



Convenor
Friends of Hawker Village Incorporated

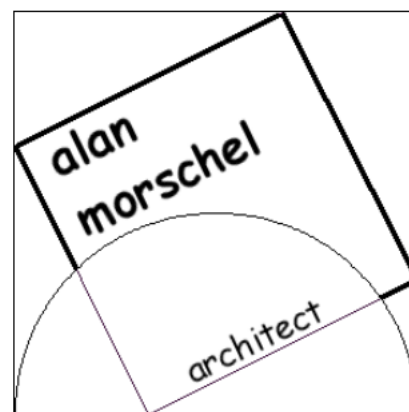
2 March 2020

HEIRARCHY OF COMMERCIAL ACCOMMODATION

Current Definition	Description	Approved use
<p>Bed and Breakfast [A bed and breakfast (typically shortened to B&B or BnB) is a small lodging establishment that offers overnight accommodation and breakfast.]</p>	<p>[A bed and breakfast room is part of a private family house.] NB Brackets indicate another source where not included in Territory Plan.</p>	<p>Not defined or mentioned in any zone.</p>
<p>Boarding house means the use of land to principally provide long-term accommodation where meals, laundry or other services are provided only to those residents of the <i>boarding house</i>, and which is not licensed to sell liquor.</p>	<p>Other terms: Lodging house Private hotel Serviced room</p>	<p>RZ1, RZ2, RZ4, RZ5</p>
<p>Commercial accommodation unit means a room or suite of rooms that is made available on a commercial basis for short-term accommodation. It does not include any associated facility such as a <i>restaurant</i>, bar or functions room, which may be used by the occupants of the premises but, which is also available for use by non-occupant members of the public.</p>	<p>A commercial accommodation unit may comprise a <i>dwelling</i> but not a room or suite of rooms within a <i>dwelling</i>.</p>	
<p>Guest house means the use of land for one or more <i>commercial accommodation units</i> and where common or shared facilities are provided for the provision of services such as meals and laundry to occupants of the premises but not to non-occupant members of the public. [Larger guest houses have common guest areas such as a lounge and dining room.]</p>	<p>[Guest house is generally a larger property with more than 5 bedrooms.] [A hostel is budget accommodation with a minimum of one dormitory and a common area.] Other terms: Chalet Farmstead accommodation Tourist lodge Youth hostel</p>	<p>RZ1, RZ2, RZ3, RZ4, RZ5</p>
<p>Hotel means the use of land for one or more <i>commercial accommodation units</i> and where the premise is licensed under the Liquor Act 2010. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non-occupant members of the public.</p>		<p>Prohibited RZ1, RZ2, RZ3, RZ4. In RZ5, not mentioned as permitted or prohibited</p>
<p>Motel means the use of land for one or more <i>commercial accommodation units</i> and where the units are provided with convenient space for parking of motor vehicles. It may also include associated facilities such as a restaurant, bar or functions room, which may be used by the occupants of the premises but, which are also available for use by non-occupant members of the public. A motel may be licensed under the Liquor Act 2010.</p>		<p>Prohibited RZ1, RZ2, RZ3, RZ4, RZ5</p>

The Project Officer,
Territory Plan Section,
EPSDD,
GPO Box 158,
Canberra, ACT, 2601.

Dear Sir/Ms,



Re: **Draft Variation to the Territory Plan, 365- Housing Choices- Boarding Houses and Co-Housing.**

I write as an Architect who has been involved in (both as a designer and programme manager) many affordable housing projects in Canberra since 1980s. I was also a member of the Minister's Advisory Panel on Affordable Housing in 2017, identifying the important role of planning reform to improve housing affordability.

At this time in the Territory's development, with the critical challenges of:-

- population growth,
- climate change impact on the environment, requiring a reduction to urban sprawl,
- maintaining and enhancing demographic diversity, and
- worsening housing affordability,

I fully support the objectives in D.V.P.365 to provide a choice of housing in Canberra. However, I find a number of the details in the proposal to be disappointing. A number of the details are a rather pedestrian and politically safe, rather than being a visionary strategy for the future of a growing and changing City

Thus, I make comments and suggest a few improvements to the both the Draft and other related planning policies, as follows;

Housing affordability is worsening due to ever rising house values and it is likely that many citizens will be renters all of their lives. This major social change is caused by a nexus of inadequate supply of suitable housing types, rising underemployment, and casualisation of workforce, and low and inadequate retirement incomes (especially for women) that will not be easily alleviated.

The specified housing types in this Draft, can play a vital role in part to address these challenges. Therefore, it is critical that the broadest range of affordable housing choices, which are suitable, secure, and of quality design, are provided and encouraged in all parts of the City.

Definitions of the two housing choices are logical but maybe too prescriptive. I suggest an approach that contains more flexibility for users, architects, developers and providers as community needs evolve. Other housing types may evolve to address the range of urban challenges. Planning policies should be easily adaptable, and even encourage and readily support innovation.

Densification and diversity. A more extensive and beneficial application of the alternative housing types is required. Many parts of RZ1 areas are well located close to services, shops and public transport and should be available for such housing types.

But if RZ1 areas are to be preserved as suburban oases, then RZ2 areas should be enlarged and zonal boundaries altered. Besides greater zonal areas being brought into play, underutilised community land (eg closed school grounds and corners/surrounds of public ovals) can be identified and also used for more varied housing types.

These actions would allow for a better and more even distribution of alternative housing choices throughout many neighbourhoods.

Minimum Block Size. I do not support the minimum proposed block size of 1,050sqm. A broader housing choice and the encouragement of a range of project solutions should be possible. A standard suburban block (about 750sqm) can readily accommodate 4 or 5 small and affordable units (in either a boarding house or co-housing arrangement) at a maximum of 2 storey high and to a maximum plot ratio of 50%. The resulting finer grain of development options, being less "institutional" than a large block development, will offer a choice of scale to the alternative housing types.

The requirement for such large blocks within only an RZ2 robe, may place boarding houses and co-housing in competition with other more commercial developments. This situation could create an artificial restriction on land supply for such affordable housing projects, thus risking an increase in land value that makes the projects unviable.

Parking. The parking requirement numbers are not necessary. A minimum number of spaces, say 50% of the unit numbers, should be allowed. For a sustainable City, less private cars, more public transport use and bikes should be encouraged. If boarding houses and co-houses are conveniently located any development for low-income people will not require a parking space per residency.

The placement and details of such a large number of parking spaces often creates unattractive car-scapes, heat sinks of hard pavement and can adversely impact on the interactive communication within a complex. Open spaces will be more beneficial to the residents if they are landscaped to encourage communal gatherings and interactions.

In conclusion, I support the objectives of DVP 365, but suggest that some details could be modified to allow a greater role of the Variation to assist in alleviating the worsening problem of housing affordability.

Yours faithfully,
Alan Morschel

2 March 2020.

From: [REDACTED]
To: [Terrplan](#)
Subject: Submission on DV365 Housing Choices
Date: Wednesday, 4 March 2020 5:16:35 PM

Good afternoon team

In response to the draft variation I'd like to submit the following points:

Removing small scale boarding houses from the RZ1 zone which covers 80% of the ACT will increase the struggle many renters will have to find suitable affordable accommodation, and will severely limit the locations they can live. Many people like to live on the suburbs where it is less populated and they can still have backyards.

Small Scale Boarding houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards - allows for utilising existing houses and gives singles/couples, especially the ever increasing cohort of 50+ women the privacy of their own space, but also community nearby.

There should be a separate policy for existing properties to be approved through Private Certifier - eliminating a lot of bureaucracy and speeding up provision of much needed accommodation, done legally

Properties built pre 2011 remove Universal Access requirements - so many older properties in Canberra are impractical to renovate for universal access.

Regards

[REDACTED]
Flynn ACT

From: [REDACTED]
To: [Terrplan](#)
Subject: DV365 ACT Housing Choices - Yoursay
Date: Thursday, 5 March 2020 9:33:09 AM

I like the idea of co-housing and would like to see it in Canberra. The appeal of this style of housing is rapidly broadening and it is an increasing market that is currently not catered for in the ACT. I believe the ACT will need to compete for this market with other council areas where it is permitted and encouraged. Cohousing can provide a strong revenue stream to the ACT government in terms of rates, as well as lower costs to the ACT government in terms of provision of social and health and other services.

Submission regarding Draft Variation 365 Housing Choices – Boarding Houses and Co-Housing

As a Canberra resident and advocate for affordable housing options in the ACT, in principle I support the draft variation to the Territory plan as it does provide a housing alternative which has the potential to provide affordable options. The provision for co-housing also provides for community based development which has numerous benefits in an aging and increasingly disconnected society. Our suburb designs have largely lost the close-family connection that allows for mutually supportive functions, with older members able to care for young children while their parents work, and younger members able to provide the physical labour in household maintenance etc.

I would however strongly suggest that the restriction of co-housing developments to RZ2-RZ5, and the minimum block size of 1050m², **will limit these types of developments in a way that is not beneficial to society as a whole**. Frequently, the scale of co-housing developments will be small – often only three or four singles/couples/families will want to live together in this way – and the opportunities for co-housing are greatly reduced with these restrictions. Additionally, these zones command higher prices as they already permit a wider range of development than RZ1, further limiting the affordability and accessibility of co-housing.

I propose that co-housing developments be permitted in RZ1, but that there be a **salt and pepper approach** (eg, only one co-housing development per city block/section within RZ1), and I also propose that there be **no minimum block size in any zone**, as the existing plot ratio and setbacks will provide necessary development constraints. For example, current properties in RZ3 in Gungahlin could be very suitable co-housing developments for a group consisting of a middle-aged couple in a first and second storey dwelling with their elderly parents in a ground level dwelling and their son and his girlfriend in a studio unit over a garage, all sharing the backyard and perhaps a common room, on a block that is only 250m². This type of development would already be permitted, except for the shared backyard. The shared facility aspect would limit the market willing to buy into this kind of development, and in doing so would naturally keep the prices lower than other properties in the area. No special policies or government intervention required to keep housing affordable!

I do appreciate your consideration of my response,

Regards,

██████████

██████████

From: [REDACTED]
To: [Terrplan](#)
Cc: [REDACTED]
Subject: DV365 Housing Choices - Boarding Houses and Co-Housing
Date: Thursday, 5 March 2020 4:43:17 PM
Attachments: [PastedGraphic-1.tiff](#)

Environment, Planning and Sustainable Development Directorate

GPO Box 158, Canberra ACT 2601

RE: TOWARDS A NEW HOUSING STRATEGY

I appreciate the opportunity to respond to the proposed changes to the Planning and Development Act through the recent community Hub.

I work in real estate and am a licensed real estate agent in the sale of property and assist with rental of our properties. I have volunteered now for 12 years with two disability organisations: Cerebral Palsy Alliance and Unisson; another sector that requires more affordable, appropriate accessibility housing to relieve families of the burden of caring for their adult children into their old age.

Overall I spend a lot of time talking to people in our communities. Housing is important to everyone in our community and my experience has been that I am meeting older people, say over 55+ who for a variety of reasons are struggling to find affordable, safe, convenient and clean housing.

It is important that we continue as a society to support new and affordable housing to reduce homelessness, strengthen Social Housing assistance and Increase availability of affordable rental housing.

In addressing the proposed changes to the Territory plan, my major concern is the complete removal of the allowance for Boarding houses in RZ1 Zone, especially as this Zone covers over 80% of all residential land in the ACT.

Communal residence is an alternative accommodation to Boarding Houses and Co-Housing, which consists of a property with 5 rooms or less.

The ACTs Public Housing waiting list is increasing at a rate of 200-300 per annum. The utilisation of communal living has the potential to reduce the waiting list by as much as 40% for public housing and provide key relief to the private rental market.

Please continue to allow Boarding Houses in RZ1 Zones to support all people in our community to have affordable, clean and safe housing.

Kind regards [REDACTED]



Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

terrplan@act.gov.au

RE: TOWARDS A NEW HOUSING STRATEGY

I appreciate the opportunity to respond to the proposed changes to the Planning and Development Act through the recent community Hub.

My name is [REDACTED], and I firmly believe there is a shortage of affordable rental housing right across Australia.

My goals are to help address the affordable housing shortage by increasing the availability of affordable rental housing.

In addressing the proposed changes to the Territory plan, I would like to point out my major concerns:

- I disagree with removing small scale boarding houses from RZ1 Zone
- RZ1 Zone covers 80% of residential land - therefore it is increasing the un-affordability issue by doing this.
- There should be a separate policy for existing properties to be approved through Private Certifier for 5 people or less.
- Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards
- Universal Access requirements should be removed for properties built pre 2011.

Yours sincerely,

[REDACTED]

From: [REDACTED]
To: [Terrplan](#)
Subject: [Possible SPAM] RE: TOWARDS A NEW HOUSING STRATEGY
Date: Thursday, 5 March 2020 5:48:08 PM
Importance: Low

Environment, Planning and Sustainable Development Directorate
GPO Box 158,
Canberra ACT 2601

RE: TOWARDS A NEW HOUSING STRATEGY

I am writing to you regarding the proposed changes to the Planning & Development Act through the recent community Hub and help to provide a young persons perspective. I had an opportunity to go into a graduate program with Medicare after University and when looking at normal housing rentals it was practically unaffordable as a student with very little income and really put me off taking that opportunity. I also did not want to live with others a I wanted my own space even if that was only a room, kitchenette and ensuite.

I wish at the time I'd known about the Small scale rooming house similar to what they have in Victoria. Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards. Fact is you only use the shared facilities as an overflow or when entertaining otherwise people like to remain in their own private space with a microwave, tea/coffee making facility and small fridge for milk etc. We don't need to rent full homes and be restricted in this way.

I whole heartedly disagree with removing small scale boarding houses from RZ1 Zone as this is the majority of the available homes that can provide this type of accommodation and you would increase the unaffordability.

It is too difficult and too much red tape to go through using councils so there really should be a separate policy for existing properties to be approved through a Private Certifier for 5 people or less and for existing properties it again would make it difficult for people to convert and therefore remove availability and affordability by requirement of enforcing Universal Access requirements. This is best enforced for new built properties.

Please think of young people starting out as its not just drug users or undesirable people that need affordable housing alternatives such as this.

Thank you,

[REDACTED]
Umina Beach NSW 2257

Sent from [Outlook](#)

From: [REDACTED]
Sent: Thursday, 5 March 2020 5:57 PM
To: Terrplan <Terrplan@act.gov.au>
Subject: Housing

RE: TOWARDS A NEW HOUSING STRATEGY

We appreciate the opportunity to respond to the proposed changes to the Planning and Development Act through the recent community Hub.

My name is [REDACTED], founder of the Australian Housing Initiative, which was developed to advocate for the provision of affordable housing.

We work to assist governments and Council to make policy changes according to demographics, social housing needs, affordable housing and policy construction in the housing industry in Australia.

Our fundamental goals are to Reduce Homelessness, strengthen Social Housing assistance and Increase availability of affordable rental housing.

In addressing the proposed changes to the Territory plan, our major concern is the complete removal of the allowance for Boarding houses in RZ1 Zone, especially as this Zone covers over 80% of all residential land in the ACT.

We have mentioned communal residence further in this document as an alternative accommodation to Boarding Houses and Co-Housing, which consists of a property with 5 rooms or less.

Current Market in the A.C.T

-
- One of the tightest rental markets in Australia coupled with

very strong demand for affordable housing (rental and purchase) in multiple locations across the ACT.

- Public housing has a 1,720 waiting list,
- The greater percentage of the housing portfolio is 2-4 bedroom dwellings; whilst 80% are seeking 1-2 bedroom dwellings.
- The ACT has the highest rates of Public Housing under-utilisation in Australia.

We believe that the ACT can dramatically improve housing affordability and support the increasing number of Territorians who need more appropriate living options.

These strategies we would like to put forward do not require funding from the Government, or dramatic changes in policy, legislation and regulation and ensures that all residents of the Capital Territory can live appropriately and affordably in their community of choice.

There is a shortage of supply of the right housing stock and the housing market is tailored for larger property developers, who produce four-bedroom, two-bathroom houses. Yet, much of this space goes unused.

It is now common for houses to be built as big as land area and planning laws allow. The larger a property, the more expensive it is, and the less affordable it becomes.

Affordable housing is a key challenge across Australia. The ACT is struggling to ensure sufficient safe, affordable and secure housing is accessible for everyone living in the Capital. Unfortunately, because of its tight rental market, a growing number of demographic groups are being placed at significant risk of homelessness and social dislocation.

Significantly, between 2011 and 2016, the number of households without children in the ACT grew by 7,878 with the number of 1 and 2 person households increasing by 5,148 and 3,139 respectively which made up 62.7% of the growth but in the same period, the change in the number of 1 and 2 bedrooms only increased by 45%.

This reflects a common problem around the country where developments are not providing appropriate

accommodation or addressing the market demand for access to smaller and more affordable housing.

The largest changes in households without children in the Capital Territory, between 2011 and 2016 were:

- Older lone persons (+2137 persons)
- Older couples without children (+2309 persons)
- Younger lone persons 15-44 years (+ 2209 persons)

By better utilising space in our homes and enabling multiple people (or family units) to share a dwelling, it unlocks a range of very exciting possibilities. Gen-Y's all the way through to Baby Boomers, can embrace living in smaller spaces and shared accommodation. Not only are these properties more accessible and affordable, they bring about increased sense of community and security, enabling people the choice to remain in their local community in spite of life event or personal circumstances.

These particular styles of development create affordable accommodation for residents of the ACT, essentially creating residents that will stay in the community for life.

Children growing up in the area can remain there in their 20's and 30's if housing is affordable and close by their family and social network. Once they meet their partner, by taking advantage of this type of housing, it enables them to consolidate their earnings to save and buy their own home in the area. When they finally do buy a house and have a family, the grand parents can be around their grand children. Creating Community!

Surprisingly one of the most significant occupants of Boarding Houses and Communal Properties are females in the mid 40's and older that choose this accommodation for their safety, and more importantly, amenity to their family. Keeping families together!

Despite people's misguided and ill-informed perceptions, these groups aren't limited to the stereotypical "public housing" - those living in public housing or seeking support from Government. It is increasingly young professionals and those looking to leave home in addition to the fastest growing (and potentially most concerning) demographic of homelessness across Australia are 55-year-old plus single

women. they often have to leave their community of families, friends and support networks, to find somewhere they can afford to live.

With a greater degree of public awareness, the perception of these types of homes would be quite different and I am certain we wouldn't see the number of NIMBY-OTIS (not in my backyard- over there is sublime) objections to the existence of Boarding Houses in general zoning.

Existing planning tools could be used to ensure affordable housing is applied in the context of inclusionary zoning through the application of precinct codes and maps that allow affordable housing as an assessable residential use in certain numbers in suitable zones

Outcomes

- Target a 'hidden' element of the housing stock and an 'undervalued' segment of the property market.
- Deliver more affordable rental properties (for those wanting to rent) and profitable housing ownership (for those wanting to own properties).
- Share housing and communal micro apartments (with minimum standards) provides an effective avenue to provide affordable housing.

In this regard, we would like to specifically note the Proposed changes to the Territory Plan (2.2.2) in particular, the complete removal of the allowance for boarding houses in RZ1.

We agree that the larger scale boarding houses may indeed have an effect on increased traffic and vehicle movements in RZ1 and maybe more appropriately situated in the RZ2 RZ4 and RZ5 zones, however in relation to smaller sized boarding houses – i.e. up to 5 rooms, those people needing this style of accommodation are also in need of integration into the community at large.

Removing this style of housing from these Zones completely puts those people at further risk of isolation and also removes the opportunity for other families to be engaged with the diversity that actually makes up community.

The many solutions it provides include:

- Women and children escaping domestic violence

- Aboriginal & Torres Strait Islander Communities
- Young People leaving care
- Students looking for a place to live while they work and study
- Professionals arriving (and returning to) in the ACT for the first time while they get settled
- Young couples trying to save for their first home
- Older singles (such as the +55 year divorced or widowed women) who want to remain in the community they have spent most of their life in.

This will take further pressure off public housing system by stopping people slipping into the system, or feeling as though they have no other choice but to apply for public housing.

The key benefits of the recommendations are:

- The ability to support a large proportion of the community seeking long-term rental accommodation
- To fill an important gap between existing Government policy and initiatives including the Government's Planning; building; rental; and affordable housing reforms.
- Increasing supply in the marketplace at no additional cost to Government.
- Reducing the pressure on the public housing waiting list and relieve pressure from the private rental market.
- Offering significant financial savings and reducing the pressure on the State Government's public housing
- Stimulation of construction and economic activity in a new sector

--

[REDACTED]
[REDACTED]

Sent from my iPhone

From: [REDACTED]
To: [Terrplan](#)
Subject: DV365 Housing Choices - Boarding Houses and Co-Housing
Date: Thursday, 5 March 2020 9:47:56 PM

Hi, Team,

Thanks for give me opportunity to respond to the proposed changes to the proposal of DV365 Housing Choices - Boarding Houses and Co-Housing.

In viewing the proposal, ACT is very needed the Boarding houses in RZ1 zone. Compared to the large scale of Boarding house in higher density area, the advantages of the small scale Boarding Houses are have the same character with the neighborhood, not like those large scale of the Boarding House always has lots of population and traffic. Also when the people live in the large scale boarding house the people don't feel as comfortable as the smaller Boarding house. In Victoria, they have Rooming House. In NSW, there is Next Generation Boarding House. While ACT has the highest demand for the rental market in Australia as the houses are not enough. And also the small scale of boarding house could greatly help those low-social economic people and help the government to reduce house stress. I urge the government to reconsider the variation. Instead, government should have a seperate policy for existing properties to be approved through Private Certifier for 5 unrelated people or less. To make more this kind of property in ACT, those property which built before 2011 should remove the Universal Access requirement.

Regards

[REDACTED]

Registered Nurse, Property Investor

From: [REDACTED]
To: [Terrplan](#)
Subject: Affordable Housing
Date: Thursday, 5 March 2020 10:00:01 PM

To whom it may concern,

I'm concerned about the proposed changes to legislation that may remove small boarding houses (5 people or less) from RZ1 zone.

I believe there is demand for this affordable housing that will keep people safe and improve their lives while saving for their own house.

People should be able to share a kitchen, laundry and garden area in these small communities of 5 or less.

Having this small community in RZ1 zone will make an impact on underutilized houses in the community.

To have less impact on local government these communal properties should be approved by a local certifier for 5 people or less.

I think removing Universal Access requirements built pre 2011 will also make it more affordable for investors and open up more of this type of housing.

I hope just these few points will have support in deriving a good outcome for affordable housing.

Regards,

[REDACTED]

From: [REDACTED]
To: [Terrplan](mailto:terrplan@act.gov.au)
Subject: Towards a New Housing Strategy - Antoaneta Nehma submission
Date: Thursday, 5 March 2020 10:44:11 PM

Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

terrplan@act.gov.au

RE: TOWARDS A NEW HOUSING STRATEGY

My name is [REDACTED], a property investor and Licensed Real Estate agent.

One of my goals is to contribute towards provision of affordable housing for all generations.

It is becoming more and more apparent that Australian housing market is getting more difficult and out of reach for many people.

Collectively as a society we can overcome or at least reduce the burden on Government to provide housing to less fortunate.

I am part of real estate investors group and we work to assist governments and Council to make policy changes according to demographics, social housing needs, affordable housing and policy construction in the housing industry in Australia.

In addressing the proposed changes to the Territory plan, our major concern is the complete removal of the allowance for Boarding houses in RZ1 Zone, especially as this Zone covers over 80% of all residential land in the ACT.

We are supporting the approval of communal residence as an alternative accommodation to Boarding Houses and Co-Housing, which consists of a property with 5 rooms or less.

There is strong demand for communal housing among wide variety of age groups such as:

- Young people between 18-25 who wants to leave on their own
- females in the mid 40's
- fastest growing (and potentially most concerning) demographic of homelessness across Australia are 55-year-old plus single women

We have found that Smaller sized boarding houses – i.e up to 5 rooms, are in need of integration into the community at large.

Considering the above we would like to make following points:

- We disagree with removing small scale boarding houses from RZ1 Zone
- RZ1 Zone covers 80% of residential land -therefore it is increasing the un-affordability issue by doing this.
- There should be a separate policy for existing properties to be approved through Private Certifier for 5 people or less.
- Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards
- For properties built pre 2011 remove Universal Access requirements.

Your Sincerely

A solid black rectangular box used to redact the signature of the sender.

05/03/2020

Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

DV 365: Housing Choices

I am writing in response to the proposed changes to the Planning and Development ACT.

My name is [REDACTED]. I am 37 years old. A mum and a wife and over recent years, I have become aware of the increasing need for supplying affordable accommodation to the people of our nation. I have been on a journey of discovery over the past few years and through educating myself I have discovered (in a nutshell) that the traditional style 4/5 bedroom family homes are far outdated and no longer serving the changing demographic of Australia. Our families are getting much smaller and many couples are choosing to not have children. There is an increasing number of singles (both young and those who have separated later in life) as well as couples needing accommodation. We also have an ageing population and not enough housing available to cater to them.

Homes have become unaffordable. I'm not even talking about purchasing a home. I'm referring to the state of our rental market and the ability for a person to choose to live close to family and friends or work, without the fear of going bankrupt. I am a huge supporter of a future where ALL Australians are able to live independently in affordable and socially acceptable homes.

I believe Small Style Boarding Homes is the answer to this. Building or converting properties into a small style Boarding House (5 or less rooms), when done legally and correctly, is a highly efficient, affordable and effective way to provide the necessary housing which is able to accommodate multiple occupants whilst creating a sense of community and friendship. My concern, if the proposed changes to the Territory Plan move forward is that the opportunity to create these homes will be eliminated within all RZ1 zones which wipes out 80% of the ACT. By eliminating this as an option, you will also eliminate the opportunity for many people within the ACT to find and live in affordable accommodation and live within an integrated community.

I have seen first hand the positive effects of integrated living and the gratefulness of residents to be given the opportunity to live where they love, in a house they've made their home, with people they have built lasting relationships with. These are people like you and I. Young professionals. Shift workers. Tradies. Doctors. Students. Singles. Couples. Retirees. Even families fleeing domestic violence. Despite what many believe, the typical "Boarding House Resident" no longer exists and neither does the typical "Boarding House".

A key benefit of continuing to allow smaller style Boarding Houses in the ACT (ie.no more than 5 bedrooms) would be the easing of pressure on the Public Housing System as this kind of housing is considered affordable for many. Not to mention catering to the needs of our changing demographic ie. Ageing population, smaller households and single living.

I strongly encourage the Development of a Policy in the ACT that allows for the creation of these types of Small Scale Communal Housing to accommodate 5 or less people in Low Density zones through private certification (DA Exempt). Also, that these homes should have a private kitchenette and bathroom per room with a shared kitchen for all household residents. Ideally this policy would share the same requirements as the Victorian Rooming House Minimum Standards. Furthermore I encourage the removal of Universal Access requirements when converting a property built prior to 2011.

Allowing affordable accommodation to be created throughout the ACT in the form of small scale boarding houses will provide a number of positive outcomes for both the Australian Government and the Australian People. In my opinion, everyone deserves a safe and affordable place to live. This is not apparent in our country right now. While a number of Australian States have already created policies and practices that allow for this type of housing to be created, more States and Territories still need to come on board and hopefully the ACT will be next. I hope you consider the above mentioned concerns and suggestions and appreciate you taking the time to read.

Kind Regards,

██████████

From: [REDACTED]
To: [Terrplan](#)
Subject: RZ1 and Boarding House/Communal Housing changes
Date: Friday, 6 March 2020 3:35:56 AM

I am currently travelling and unable to properly format and write a letter to register concern on the proposed changes affecting Zoning and support keeping zoning to further support the following main points...

- We disagree with removing small scale boarding houses from RZ1 Zone
- RZ1 Zone covers 80% of residential land - therefore it is increasing the un-affordability issue by doing this.
- There should be a separate policy for existing properties to be approved through Private Certifier for 5 people or less.
- Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards
- For properties built pre 2011 remove Universal Access requirements.

Regards, [REDACTED] Narrabundah ACT
2604
Sent from my iPad



By Email to:

Environment Planning and Sustainable Development Directorate
GPO Box 158,
Canberra ACT 2601
terrplan@act.gov.au

Subject: Towards a new housing strategy

Thank you for the opportunity to respond to proposed changes to the Planning and Development Act via recent community Hub.

I am burdened with providing housing for older Australians. Quality housing that is safe, comfortable and a long term option for individuals. I believe these are a forgotten demographic.

My assessment of the proposed changes to the Territory plan identifies the dismissal of Boarding houses in RZ1 Zones, effectively removing this type of house for 80% of residential land in your territory. I find this short-sighted and a decision that will compound housing shortages and housing inaffordability in this state.

There are many options for housing. I plead with you to expand your range of options for the benefit of our citizens. There is cohousing, boarding house style accommodation, cohousing, home of multiple occupancy and still with these options we have homeless people and older Australians who don't know how they will afford to pay rent in their older years after they stop work. I speak to senior citizens every day, who don't know where they will be able to afford to live once they finish the last few years of their working lives.

It is a fact that the highest percentage of accommodations are family built. Next to nothing is built for single or couples of older ages. People who have worked and paid taxes, raised their families and just want a clean, safe place to call home that is affordable.

This is your chance to consider a wider range of mechanisms to meet the market and cater for our aging population.

My knowledge and learnings identify a significant trend in the rising numbers of single and couple households. Do they need a 4 bed 2 bath house. No they don't. They need a single bedroom with adequate facilities and lounge/dining to be comfortable BUT AFFORDABLE. It MUST BE AFFORDABLE. Older people want a small close knit cluster of fellow residents to feel safe, have support and know they are not isolated.

I'm 59 years old. I have accommodations for 6 older persons, as well as families. Some of my older tenants still work, one works part time, some are retired. But they all thank their lucky stars they found me and my accommodations.

Please PLEASE PLEASE don't remove mechanisms to meet this dire need. PLEASE think outside the box and put on your innovation caps to consider more alternatives. If you are smart you will increase provisions to meet this growing need in our aging communities. Make it possible for me to build more accommodations, convert more accommodations to house our wonderful senior citizens who have worked hard and gone without, some of them for their entire lives.

I can't help these people if you don't help me. Are you personally going to build accommodations to house 10 senior citizens??? Well I want to however if you don't consider a wider plane of residential and housing options, then I can't deliver anything. We must harness the build to deliver more dwellings on the one site or our homeless and vulnerable people will need public housing and there simply isn't enough, is there???????

Unless you (the government) are building 500 single or couple units per month, you are missing the mark and you will never get on top of it. Incentives to allow this will move the burden from government to others. Developers of course, but also people like myself who have a passion for our older citizens. This is a genuine passion and burden to provide appropriate, safe housing. New and functional, warm in winter and cool in summer. Their own tv and kitchenette, an ensuite and a letterbox. I get hugs and gifts constantly from my grateful tenant family. I am also working on ways to enable my working tenants to stay on and considering how I can reduce the rent so they do not have to move out when they stop working.

Please be creative, expand your current thinking to take on a wider range of housing options for single and couple citizens. This is your chance to make a difference. Let me assure you, these accommodations can be extraordinarily well built, well run and maintained with great, quiet, respectful tenants who want to live in their home forever. These accommodations are not for young hooligans who disrespect property and neighbours. I have great real estate agents who manage our tenants list and pick very responsible mature tenants. Most of my neighbours do not know I have elderly/older tenants. My efforts are seamless and meet real and desperate need.

Please help me do more. The government can't do everything. But please let the mum and dad investors help build what is lacking but so desperately needed in our communities.

Kind regards

A black rectangular redaction box covering the signature area of the letter.

From: [REDACTED]
To: [Terrplan](#)
Subject: Affordable Housing.
Date: Friday, 6 March 2020 8:03:25 AM

To Whom It May Concern,

Just one question = why do you want to cut out affordable housing when the government can not supply them?

Do you want more & more homeless people on the street?, doesn't sound like a good idea do you?.

I hope you can rethink the affordable housing idea.

Kind Regards,

[REDACTED].

Sent from [Outlook](#)



Cohousing CBR

PO Box 6085

O'Connor ACT 26202

Email: cohousingcbr@gmail.com

Territory Plan Section
EPSDD
GPO Box 158
Canberra
ACT 2601
Email: terrplan@act.gov.au

Dear Madam/Sir

Re: Draft Variation to the Territory Plan 365 (**DV365 Housing Choices - Boarding Houses and Co-Housing**)

Cohousing Canberra is a community association incorporated under the *Associations Incorporation Act 1991*.

Cohousing Canberra seeks to facilitate the development of alternative housing models that are socially supportive, economically viable and environmentally sustainable.

Cohousing developments are typically clusters of 5 to 50 separate titled compact homes. They can be townhouses or apartments and typically have some shared facilities: laundries, gardens, grouped car parking and, in larger projects, a common room which could include dining, cooking, craft space or accommodation for visitors.

In general, Cohousing Canberra takes the view that **DV365 Housing Choices - Boarding Houses and Co-Housing** – is a useful starting point, and offers a definition of cohousing to the Territory Plan.

We would like to make the following comments:

1. Zoning.

In terms of encouraging cohousing developments in Canberra, it seems a real oversight to exclude **RZ1** zoning areas. This removes the potential for cohousing in over 80% of all residential areas in Canberra. For example, boomers who live in large blocks and want to create cohousing developments which allow them to “age in place” (ie. stay within cooee of their established neighbourhoods) would be very restricted in where they can do this.

In **RZ2** zones there may be some large or amalgamated blocks which would possible work well for cohousing developments, however confining this opportunity to **RZ2** zones really limits the prospect of cohousing.

Cohousing Canberra suggests that the Planning Directorate undertake to establish limited precincts within **RZ1** zones that could be considered for cohousing.

We acknowledge this would require fine-grained site analysis, and more consultation.

However, we note that before 2013 unit titled dual occupancies were allowed on **RZ1** blocks.

Furthermore, even before 2003, multiple occupancies were allowed on all large or amalgamated blocks.

There are good examples of townhouse-type developments in **RZ1** zones, including Wybalena Grove in Cook. Some are presented in the Australian Institute of Architects (AIA)'s research document :

<https://www.housingchoicecanberra.architecture.com.au/>

Having said all this, we do applaud the idea of **RZ2** zoning - the 'suburban core' - allowing much more density closer to an **RZ3** or **RZ4** typology.

One excellent example of appropriate suburban core development is the 3 storey townhouses behind O'Connor shops/next to the wetland (zoned **RZ4**).

2. Block sizes.

We understand why DV 365 places restrictions on the minimum sized block which could be converted to cohousing – in order to avoid overly small blocks being turned into unsuitably small apartments. However it seems unnecessarily prohibitive to have set the figure at 1050 m². We suggest that more criteria are added to the block size requirements to allow more flexibility here.

3. Car parking

Cohousing Canberra supports the notion that criteria for car parking is flexible enough to allow fewer car parks to be approved. Two recent cohousing projects (eg *Cohaus* in Auckland and *LILAC* in Leeds) undertook their own traffic surveys which provided evidence to their local authorities that the approval of fewer car parks was a sensible way forward.

In finishing, Cohousing Canberra enthusiastically applauds the ACT government's commitments to demonstrating a greater variety of housing choices in the ACT. Housing choices such as cohousing will undoubtedly point us in the right direction to adapt to the vast environmental challenges facing Australia.

Sincerely



President

Cohousing CBR

22 February 2020

Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

RE: TOWARDS A NEW HOUSING STRATEGY

My name is [REDACTED] and I disagree with the proposal to remove small scale boarding houses from RZ1 Zone, as the RZ1 zone covers over 80% of all residential land in the ACT.

By removing the RZ1 zone for small scale boarding houses, it would increase the unaffordability housing issues and homelessness.

In order to reduce the unaffordability housing and shortage of housing, we request for the consideration to create separate policy for existing properties that have 5 people or less in low density housing with private certification.

The small scale communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom, the same requirements as Victorian Rooming House Minimum standard.

Furthermore, for properties built pre 2011 remove Universal Access requirements, as it may be practically impossible for these existing properties to comply due to its existing design/layout/structure.

Yours sincerely,

[REDACTED]

Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

terrplan@act.gov.au

RE: TOWARDS A NEW HOUSING STRATEGY

I appreciate the opportunity to respond to the proposed changes to the Planning and Development Act through the recent community Hub.

Here in summary is my brief feedback.

I would encourage the formation of a separate policy for small scale boarding houses existing properties to be approved through Private Certifier for 5 people or less.

I don't agree with removing small scale boarding houses from RZ1 Zone as this zone covers 80% of residential land it could serve to increase the un-affordability of rents by doing this.

To enable the affordability across Canberra it would be beneficial to remove Universal Access requirements for properties built pre 2011.

Small Scale Communal houses need to have the same requirements as Victorian Rooming House Minimum Standards.

Small scale boarding houses with 5 rooms or less should have a shared kitchen which encourages community alongside with their own kitchenette and bathroom.

Your sincerely



ACT Division Planning Institute of Australia
11 National Circuit
Barton ACT 2600

6 March 2020

DV365 Housing Choices – Boarding Houses and Co-Housing
Environment, Planning & Sustainable Development Directorate
PO Box 158
CANBERRA ACT 2601

Email: terrplan@act.gov.au

Subject: PIA submission - DV365 Housing Choices- Boarding Houses and Co-Housing

The Planning Institute of Australia (PIA) is the national association representing professional town planners throughout Australia and has a total membership of about 5,300, together with over 4,000 other planners who participate in PIA's professional development program. The ACT Division of the Planning Institute of Australia, (PIA ACT) is led by a committee of members who voluntarily help advance the planning profession in the ACT.

Thank you for the opportunity to comment on Draft Variation (DV) 365 Housing Choices – Boarding Houses and Co-Housing.

PIA appreciates that this Draft Variation was developed following consultation including release of a *Housing Choices Discussion Paper* and a Housing Choices Collaboration Hub. PIA supports the achievement of greater diversity in housing choices, particularly affordable housing choices in the ACT.

PIA also generally supports the proposed changes in DV365, other than the change that would **not** allow boarding house in RZ1 zones. Our reason for opposing this change is that it could have the unintended consequence of restricting affordable housing options and more efficient use of the current housing stock in RZ1 zones. Instead, the view of PIA's ACT Committee is that there should be some restrictions on boarding houses in RZ1 zones, with a maximum number of bedrooms suggested as five. In addition, the PIA ACT Committee suggests that there should be provision for on-site parking for any cars owned or used by residents of the boarding house.

ACT PIA members are aware that there are some examples of existing dwellings in RZ1 zones in the ACT that we assume are currently being used as "boarding houses", with around six overseas students in each house. These students catch public transport and do not appear to own cars. They do not therefore increase traffic and vehicle movements, and the dwellings they occupy are not out of character with neighbouring dwellings.

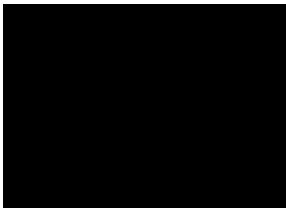
PIA members are also aware that some “group houses” that include a resident owner also operate as “boarding houses”, as there can be some tax advantages for the resident owner in adopting this model. Similarly, many “boarding houses”, particularly in past years, were managed by older single women or couples running a relatively small-scale operation out of a suburban home. This boarding house accommodation often provided more flexibility for occupants than the private rental market.

In addition, PIA ACT Members see some inconsistency in allowing suburban houses in RZ1 zones to be used for Airbnb type accommodation, but not to be used as boarding houses.

For the reasons given above, the PIA ACT Committee therefore suggests that there be some restrictions (as suggested above) on boarding houses in RZ1 zones, but not outright prohibition.

Thank you for providing the opportunity to comment on DV365 Housing Choices – Boarding Houses and Co-Housing. If you have any queries regarding any matters raised in this submission please contact myself.

Yours sincerely



President PIA ACT

6 March 2020

Territory Plan Section
Environment, Planning and Sustainable Development Directorate

Via Email: terrplan@act.gov.au

Dear Sir/Madam,

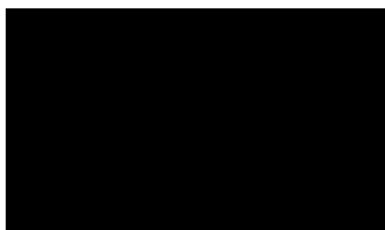
Submission to Draft Territory Plan Variation No. 365 – Housing Choices – Boarding Houses and Co-Housing

Thank you for allowing the Master Builders Association of the ACT (“MBA ACT”) to make a submission to the draft Territory Plan Variations No. 365 – Housing Choices – Boarding Houses and Co-Housing (the “variation”).

This variation responds to the Housing Choices policy work which the MBA ACT has contributed to over the past two years. While only dealing with a small part of the policy Housing Choices policy outcomes, this variation is nevertheless an important step towards a Territory Plan which responds to current and future housing needs of the ACT.

We support the intent and provisions contained in this proposed variation.

Yours sincerely,



Chief Executive Officer

[REDACTED]
[REDACTED]

Territory Plan Section
EPSDD
GPO Box 158
Canberra, ACT 2601

By email: terrplan@act.gov.au

Re: Draft Plan Variation No. 365 Housing Choices – Boarding Houses and Co-Housing

I am writing to express my deep concern regarding DV365 and urge that it not be adopted in its current form.

The content of this DV and the community outrage concerning DA201732840 (a proposal for what could only be described as a student hostel/uni residence in Giralang RZ1) highlight the inadequacy of the current controls on developments in residential areas. As a resident of a long-established suburb, my particular concerns are the implications DV365 has for residents in RZ2 zones.

My view is that boarding houses, guest houses and co-housing are all commercial operations. These require strict limitations in long-established residential areas where the original planning for the suburb designated separate areas for commercial operations and medium-density housing.

I am particularly concerned with the definition of a boarding house and the scale of accommodation that DV365 would permit in RZ2. A boarding house needs to be defined such that it is permitted for a maximum of 4 'boarders' only and the lessee must be required to live on the premises so that the very nature of small scale and personal service is retained. Boarders traditionally live as family sharing living areas, eating areas and laundry facilities but with exclusive use of a bedroom.

I am concerned that the co-housing proposal came from a very small group of Canberra residents where possibly none of them could be impacted by it. I am horrified that this kind of accommodation could be permitted in RZ2 and urge that such housing not be permitted in RZ2 but permitted only in areas zoned for higher-density living. In the days of Air BnB there is nothing that can prevent co-housing becoming a de-facto camp site where the

accommodation is provided in self-contained free-standing villas/cabins. There is ample accommodation in Canberra for people whose accommodations needs are for a small space. Recently built apartment complexes provide for studio and one-bedroom accommodation in addition to the likely hundreds+ granny flat accommodation spread across all suburbs. I re-iterate, co-housing needs to be located in areas where this style of accommodation would be well accepted – not in RZ2.

There is also the issue of ‘guest houses’(not mentioned in this DV) which are permitted in RZ1 and RZ2 under the current development tables. Guest houses are basically hotels without licence for the provision of alcohol and are traditionally small scale. They are certainly commercial in nature and new ventures should not be permitted in Residential Zones.

I suggest that all definitions for various housing types be reviewed and the development tables updated to reflect the expectations of those living in each Residential Zone. Residents of RZ2 have been very unfairly treated since A10 was abolished. Whilst permitting multi-unit housing A10 had some provisions to protect the character of the established area. The introduction of RZ2 has seen the uglification of what were beautiful streetscapes highly valued by residents. DV365 in its current form is yet another assault on residents of RZ2.

Please protect residents of RZ1 and RZ2 from guest houses and co-housing (which could see development such as the Giralang proposal) and severely limit the number of boarders per single dwelling residence.

Kind regards



5/3/20

From: [REDACTED]
To: [Terrplan](#)
Subject: I have a say as a Canberran
Date: Friday, 6 March 2020 3:25:22 PM

Good afternoon,

At first, It is great to see the ACT have the goal: increasing affordable rental housing. However, the reality is far from the Government's strategy.

I was a renter and the rent for a 3 bedroom in the south of Canberra from \$300 in 2008 to \$650 2019.

Even though the ACT Government has its best intention, it is too slow. and volume got created is far from the demand.

Share rental is \$220 for **a room** in the common market. We need to involve the private investors to fund and build enough properties to resolve the housing issue, not ACT Government.

The following are the request that I ask ACT planning to consider:

- We disagree with removing small scale boarding houses from RZ1 Zone
- RZ1 Zone covers 80% of residential land - therefore it is increasing the un-affordability issue by doing this.
- There should be a separate policy for existing properties to be approved through Private Certifier for 5 people or less.
- Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have the same requirements as Victorian Rooming House Minimum Standards
- For properties built pre 2011 remove Universal Access requirements.

Since the Government has its workload, to speed up the supply for the most needs, please create **POLICY OF 5 PEOPLE OR LESS IN LOW DENSITY WITH PRIVATE CERTIFICATION.**

Thanks for your consideration.

[REDACTED]
Canberran in the south side of Canberra

Environment, Planning and Sustainable Development
Directorate

GPO Box 158,

Canberra ACT 2601

terrplan@act.gov.au

RE: TOWARDS A NEW HOUSING STRATEGY

I would like to respond to the proposed changes to the Planning and Development Act through the recent community Hub

My name is [REDACTED] Albury.

Upon reading the submission from Mr [REDACTED] I fully concur with his response.

My personal experience in this matter firstly pertains to my daughter who lives and works in Canberra and knowing the daunting experience she had to go through to find some affordable accommodation that gave her the sense of security and community close to where she worked (she does not have a car).

It was not until she found a shared accommodation in a residential house with 3 others, that she felt the peace of mind of sharing a home, with family like ties, with the other occupants, who have now lived together for the last 5 years.

Had the type of accommodation been readily available that Mr Ugarte is proposing the whole experience would have been a win- win- win for residents, investor and government without the extreme experience my daughter had to go through.

My second personal experience is knowing the demand for this type of housing in both major and regional cities to provide secure, safe, comfortable and affordable accommodation across a wide range of socioeconomic, age and professions.

In summarizing.

- We disagree with removing small scale boarding houses from RZ1 Zone.
- RZ1 Zone covers 80% of residential land - therefore it is increasing the un-affordability issue by doing this
- There should be a separate policy for existing properties to be approved through Private Certifier.
- Small Scale Boarding houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards.
- Properties built pre 2011 remove Universal Access requirements.

Yours sincerely

██████████

6 March 2020

Submission to EPSDD consultation process on DV365 Housing Choices - Boarding Houses and Co-Housing

Thank you for the opportunity to make a submission on Draft Variation (DV) 365 Housing Choices - Boarding Houses and Co-Housing. Please note that I am writing in my capacity as an ACT Greens MLA, and not as Chair of the Assembly's Planning and Urban Renewal Standing Committee.

This DV arises from the ACT Government's Housing Choices process and the Greens are strongly supportive of the government's aims to increase housing choices. Co-housing is a way of doing that which can also have positive impacts for affordability, environmental sustainability and community.

This DV is part of the work that will need to be undertaken to address "Theme 4 – Lifestyle and diversity – The current housing options driven by market do not provide flexibility for varying lifestyles in both physical space and possible procurement methods."

I will now discuss the proposed changes.

Co-housing

I am very pleased to see that co-housing is being considered as a separate housing type that acknowledges the need for housing that is more sustainable both socially and environmentally with the added advantage of being potentially more cost- efficient.

Definition



The DV defines co-housing as "a development with separate dwellings or private living areas, with some common/shared indoor components such as kitchens, living areas, bedrooms and laundries. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchenette. The common/shared indoor components may be provided in a separate building."

Shared facilities are critical to the co-housing model, and I think the definition should be stronger in this regard. I also believe that the co-housing model requires at least three households to create a sense of community.

Recommendation 1

Change the definition of co-housing to:

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

 London Circuit, Canberra ACT 2601, Australia  GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 1941 **Email** lecouteur@parliament.act.gov.au



“Co-housing means a development with a minimum of three dwellings or private living areas. It must have an indoor common living area with attached kitchen facilities, and also provide other common/shared components such as kitchen gardens and outdoor living areas, guest bedrooms, vehicles and/or laundries. All residents must have equitable access to the common facilities. Private living areas must each contain a bedroom and a bathroom as a minimum and may contain a kitchen. The common/shared indoor components may be provided in a separate building.”

Management arrangements

Co-housing is a type of development which should encourage control of the development by the residents. There are multiple possible structures to allow and facilitate this, but they are not currently well-developed in the ACT. Of the current title options, the most appropriate would be community titled or unit titled, however it should be possible to also require resident control, for example through an addition to the Crown Lease.

Recommendation 2

Require co-housing developments to be subject to a legal mechanism that ensures the principles of co-housing, including collective management, are enshrined.

The DV does not allow co-housing developments in RZ1 zone or on blocks of less than 1,050 square metres.

While there has been interest in co-housing in Canberra for a long time, there has been little development since the 1970s when Wybalena Grove in Cook and Urambi Village in Kambah were built. Neither of these are strictly co-housing developments, but both have co-housing elements. Both developments were supported by government provision of suitable land. I hope that Canberra Cohousing will also be able to obtain suitable land in the near future.

A major reason for this lack of development is that groups are unable to find either or both of suitable land or finance to construct a novel development. The main asset that people interested in co-housing have, apart from energy, is usually their own home. For most people, this will typically be in an RZ1 zone. It would considerably increase the chances of more co-housing development in Canberra if development was allowed in RZ1 areas and block consolidation was allowed.

I agree that ideally co-housing should be a bigger community than can easily be accommodated on 1050 square metres. However, I am aware of clear community interest in small scale co-housing like developments on smaller blocks using extensions, secondary dwellings and other structures. Further a blanket 1050m² rule penalises co-housing as compared to standard multi-unit development which can build three or more dwellings on much smaller blocks.

Recommendation 2

Co-housing be allowed in all residential zones.

Recommendation 3

In RZ1 areas, there should be a sliding scale used to determine the maximum number of individual dwellings/private living areas within a co-housing development. In other residential

zones the existing permitted number of multi-unit dwellings should be applied to co-housing developments.

Recommendation 4

The minimum block size for co-housing developments should be 800m², with block consolidation allowed with adjacent blocks in all zones

Car parking in co-housing developments

The Greens acknowledge that some multi-unit developments have led to unmet demand for parking that spills out onto the adjoining streets. However, if the ACT wants to achieve its climate change strategy, which involves reducing emissions from the transport sector, then we need to start doing things differently.

It would seem likely that residents in co-housing developments would have less need for car parking than other developments. This makes them ideal sites to try out new ideas such as replacing individual car parking with a smaller number of shared cars.

Well-located co-housing should therefore have reduced and flexible parking requirements. One option for defining 'well-located' would be to adopt the walking distance from a town, local or group centre.

Recommendation 5

Car parking requirements be halved for co-housing developments where they are within 800m of a town and group centre and 400m of a local centre (walking, not straight-line, distance).

Boarding houses

The DV proposes to remove this use from RZ1 as not consistent with the scale of the zone. The government also is planning to limit boarding houses to 10 bedrooms in RZ2 areas, but impose no bedroom limits in RZ3 – RZ5, although in all cases normal plot limits will apply.

I imagine that the application to build a large boarding house in Giralang was a trigger for this decision. That development was rightly rejected, and highlights the need for change to the planning rules for boarding houses. (This case also highlights is the issue of just using plot ratio as a control in RZ1, a problem that DV369 will help with if/when it comes into force.) However, it does not demonstrate that all boarding houses in RZ1 are a problem.

Canberra has very limited housing diversity and the Greens see boarding houses that are well designed and managed as one of the many possible solutions. I also note that there are already *de facto* boarding houses operating in RZ1 areas.

In the RZ2 zone, a blanket restriction of 10 bedrooms in the RZ2 zone takes no account of the size of the block. On a small block, a 10 bedroom boarding house could have a large impact on neighbours, but on a very large block, it would have far less impact.

I believe that a more sensible approach in the RZ1 is a limit of 5 bedrooms. For RZ2 areas, it would be better to limit the number of bedrooms in proportion to the size of the block of land.

Recommendation 6

Instead of the prohibition on boarding houses in RZ1 areas, impose a limit of five bedrooms.

Recommendation 7

Instead of the blanket restriction of 10 bedrooms for boarding houses in RZ2 areas, place a cap on the number of bedrooms that can be included based on a sliding scale of the land area of the boarding house development, starting with 5 on small blocks and in excess of 10 on very large blocks

Yours sincerely

A handwritten signature in cursive script that reads "Caroline Le Couteur".

Caroline Le Couteur MLA

ACT Greens Member for Murrumbidgee

ACT Greens Planning Spokesperson



6th March 2020

Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

terrplan@act.gov.au

RE: TOWARDS A NEW HOUSING STRATEGY

We appreciate the opportunity to respond to the proposed changes to the Planning and Development Act through the recent community Hub.

My name is [REDACTED], founder of the Australian Housing Initiative, which was developed to advocate for the provision of affordable housing.

We work to assist governments and Council to make policy changes according to demographics, social housing needs, affordable housing and policy construction in the housing industry in Australia.

Our fundamental goals are to Reduce Homelessness, strengthen Social Housing assistance and Increase availability of affordable rental housing.

In addressing the proposed changes to the Territory plan, our major concern is the complete removal of the allowance for Boarding houses in RZ1 Zone, especially as this Zone covers over 80% of all residential land in the ACT.

We have mentioned communal residence further in this document as an alternative accommodation to Boarding Houses and Co-Housing, which consists of a property with 5 rooms or less.

Current Market in the A.C.T

- One of the tightest rental markets in Australia coupled with very strong demand for affordable housing (rental and purchase) in multiple locations across the ACT.
- Public housing has a 1,720 waiting list,
- The greater percentage of the housing portfolio is 2-4 bedroom dwellings; whilst 80% are seeking 1-2 bedroom dwellings.
- The ACT has the highest rates of Public Housing under-utilisation in Australia.

We believe that the ACT can dramatically improve housing affordability and support the increasing number of Territorians who need more appropriate living options.

These strategies we would like to put forward do not require funding from the Government, or dramatic changes in policy, legislation and regulation and ensures that all residents of the Capital Territory can live appropriately and affordably in their community of choice.

There is a shortage of supply of the right housing stock and the housing market is tailored for larger property developers, who produce four-bedroom, two-bathroom houses. Yet, much of this space goes unused.

It is now common for houses to be built as big as land area and planning laws allow. The larger a property, the more expensive it is, and the less affordable it becomes.

Affordable housing is a key challenge across Australia. The ACT is struggling to ensure sufficient safe, affordable and secure housing is accessible for everyone living in the Capital. Unfortunately, because of its tight rental market, a growing number of demographic groups are being placed at significant risk of homelessness and social dislocation.

Significantly, between 2011 and 2016, the number of households without children in the ACT grew by 7,878 with the number of 1 and 2 person households increasing by 5148 and 3,139 respectively which made up 62.7% of the growth but in the same period, the change in the number of 1 and 2 bedrooms only increased by 45%.

This reflects a common problem around the country where developments are not providing appropriate accommodation or addressing the market demand for access to smaller and more affordable housing.

The largest changes in households without children in the Capital Territory, between 2011 and 2016 were:

- Older lone persons (+2137 persons)
- Older couples without children (+2309 persons)
- Younger lone persons 15-44 years (+ 2209 persons)

By better utilising space in our homes and enabling multiple people (or family units) to share a dwelling, it unlocks a range of very exciting possibilities. Gen-Y's all the way through to Baby Boomers, can embrace living in smaller spaces and shared accommodation. Not only are these properties more accessible and affordable, they bring about increased sense of community and security, enabling people the choice to remain in their local community in spite of life event or personal circumstances.

These particular styles of development create affordable accommodation for residents of the ACT, essentially creating residents that will stay in the community for life.

Children growing up in the area can remain there in their 20's and 30's if housing is affordable and close by their family and social network. Once they meet their partner, by taking advantage of this type of housing, it enables them to consolidate their earnings to save and buy their own home in the area. When they finally do buy a house and have a family, the grand parents can be around their grand children. Creating Community!

Surprisingly one of the most significant occupants of Boarding Houses and Communal Properties are females in the mid 40's and older that choose this accommodation for their safety, and more importantly, amenity to their family. Keeping families together!

Despite people's misguided and ill-informed perceptions, these groups aren't limited to the stereotypical "public housing" - those living in public housing or seeking support from Government. It is increasingly young professionals and those looking to leave home in addition to the fastest growing (and potentially most concerning) demographic of homelessness across Australia are 55-year-old plus single women. they often have to leave their community of families, friends and support networks, to find somewhere they can afford to live.

With a greater degree of public awareness, the perception of these types of homes would be quite different and I am certain we wouldn't see the number of NIMBY-

OTIS (not in my backyard- over there is sublime) objections to the existence of Boarding Houses in general zoning.

Existing planning tools could be used to ensure affordable housing is applied in the context of inclusionary zoning through the application of precinct codes and maps that allow affordable housing as an assessable residential use in certain numbers in suitable zones

Outcomes

- Target a 'hidden' element of the housing stock and an 'undervalued' segment of the property market.
- Deliver more affordable rental properties (for those wanting to rent) and profitable housing ownership (for those wanting to own properties).
- Share housing and communal micro apartments (with minimum standards) provides an effective avenue to provide affordable housing.

In this regard, we would like to specifically note the Proposed changes to the Territory Plan (2.2.2) in particular, the complete removal of the allowance for boarding houses in RZ1.

We agree that the larger scale boarding houses may indeed have an effect on increased traffic and vehicle movements in RZ1 and maybe more appropriately situated in the RZ2 RZ4 and RZ5 zones, however in relation to smaller sized boarding houses – i.e up to 5 rooms, those people needing this style of accommodation are also in need of integration into the community at large.

Removing this style of housing from these Zones completely puts those people at further risk of isolation and also removes the opportunity for other families to be engaged with the diversity that actually makes up community.

The many solutions it provides include:

- Women and children escaping domestic violence
- Aboriginal & Torres Strait Islander Communities
- Young People leaving care
- Students looking for a place to live while they work and study
- Professionals arriving (and returning to) in the ACT for the first time while they get settled
- Young couples trying to save for their first home

- Older singles (such as the +55 year divorced or widowed women) who want to remain in the community they have spent most of their life in.

This will take further pressure off public housing system by stopping people slipping into the system, or feeling as though they have no other choice but to apply for public housing.

The key benefits of the recommendations are:

- The ability to support a large proportion of the community seeking long-term rental accommodation
- To fill an important gap between existing Government policy and initiatives including the Government's Planning; building; rental; and affordable housing reforms.
- Increasing supply in the marketplace at no additional cost to Government.
- Reducing the pressure on the public housing waiting list and relieve pressure from the private rental market.
- Offering significant financial savings and reducing the pressure on the State Government's public housing
- Stimulation of construction and economic activity in a new sector
- It assists in meeting the need of changing demographic of the community (smaller household size; increase rate of single person households due to aging population).
- It is complementary to the national disability reform.

CASE STUDY – THE COST AND BENEFITS OF PUBLIC HOUSING VS. ADDITIONAL PRIVATE RENTAL STOCK

1. The Cost of State-owned Public Housing

If the ACT Government were to construct and operate 5 units at a capital cost of \$250,000 each and an annual management cost \$1,200/property for 25 years, it results in an annual \$8,000 loss per property per year on a full-cost recovery model, or \$1,000,000 over the life of the assets.

2. The benefit of stimulating additional private residential construction

Conversely, if the Government were to Build new supply, economic activity. 1000 properties, \$100m+ investment x 2.9 multiplier = \$350M investment. No ongoing cost to Government; tax benefits (stamp duty etc).

A replacement single dwelling house or additions and alterations to an existing house - can be developed on a single dwelling block with as many rooms as will fit

within the prescribed plot ratio (usually 50%) and other setback & Private Open Space rules. Each bedroom can contain an en-suite if desirable but not a kitchen, but can have a kitchenette. Tea making facilities can be provided as long as there are no cooking facilities installed. Two fully shared kitchens are possible in one house as long as each area does not define as a separate dwelling (no separate access). If a new residence or additions and/or alterations are designed to satisfy the Rules of the Single Dwelling Code then the proposal can be DA exempt and be given straight to a private certifier for building approval.

The Desirable Outcomes would be:

- Streamline/enable approval/usage process to increase affordable accommodation across the ACT.
- Learn lessons from other Governments around the country to deliver the best micro apartment / communal residence policy in Australia.
- Ensure a high-quality sector underpinned by best-practice standards.
- Provide accommodation in the area tenants choose to live - close to employment and social network for no more than 30% of gross weekly wage.
- Have small-scale boarding houses approved within RZ1 Zone

Desirable Outcomes achieved through:

- Houses with multiple occupants:
Allow houses to be leased to multiple parties.
- Secondary dwelling:
Allow lease on both main dwelling and secondary residence.
- Communal residence: "Permitted" use in all residential zones is a simpler approval process
- Disabled access: Relaxed application compliance on pre-2011 properties being redeveloped for House with Multiple Occupants and Houses in Communal Occupation.

Affordable Housing Strategies Provided by the Private Market

House in Multiple Occupation (HMO)

- Investment property be made available as a communal house giving exclusive use of their bedrooms and sharing a communal area.
- 5BR house let to 5 unrelated parties as a full lease or sub-lease arrangement, limited to 5 residents (one per room), each with its own door lock and tenancy agreements; exempt from universal access; without conversion to a 1b Building classification. Each room can be provided with its own bathroom, food preparation area and bedroom area.
- Planning requirements:
- Building requirements - Minimum standards required to be met such as:
 - Linked smoke detectors in all habitable areas
 - Fire evacuation plans in all residents rooms and communal areas
 - Approved and tested fire extinguishers and Blankets
 - Exit door hardware to comply with exit standards keyless exit
 - Installation and certification by qualified persons
 - Approval via "No Permit Required"
 - Minimum standards in line with Brisbane City Council MP 5.7 and MP 2.1 QLD development codes

House in Communal Occupation (HCO)

- Property can be converted to 10 habitable areas and remain under 299m² and less than 12 people.
- Each room may or may not be self-contained (bathroom, food preparation, sitting area and bedroom area).
- "No permit required" approval, signed off by building surveyor.
- Require universal access for any building built post May 2011.
- Property oversight via an Operator's License to ensure minimum standards are upheld (a special class of Real Estate Agents license), registered with a Government Body (Council, State Government or Fair Trading) and can be a private provider as well as housing providers.

- Planning: Must fit with character of area - look like house next door. Minimum standards required (such as the standards outlined in VIC legislation Rooming House Standards <https://www.consumer.vic.gov.au/minimumstandards>)

Working with Government organisations; educators; developers; designers; constructors; investors; operators; and service providers, we have identified how to rethink the way that housing stock is planned and provided for, catering for some of our most vulnerable and needy communities.

The ACT's Public Housing waiting list is increasing at a rate of 200-300 per annum. The utilisation of our proposed form of accommodation has the potential to reduce the waiting list by as much as 40% and provide key relief to the private rental market.

We have studied housing policy globally and domestically and carefully looked at the development of housing stock to understand how a greater number of more affordable housing can be generated that also supports the growth of community. We have applied this practice across Australia and have seen the win-win-win it presents for Governments, residents and investors.

Our approach is applying the policies, practices and experiences that we have seen work well across Australia and I'd welcome the opportunity to present and discuss our successful strategies further.

Yours sincerely,

[Redacted signature]

Buderim QLD 4556

[Redacted contact information]

From: [REDACTED]
To: [Terrplan](#)
Subject: Please do not remove small scale boarding houses from Zone RZ1 and encourage homes which can provide housing for up to 5 people in an affordable (and possible) social environment.
Date: Friday, 6 March 2020 11:19:58 AM

Hi

I totally support and agree with sentiments included and submitted previously by [REDACTED].

What [REDACTED] is proposing will enable many social problems, including the provision of affordable housing, to be overcome or alleviated. I am a provider of rental homes in Brisbane. Over the past 15 years, I have seen a major shift in the people who are looking for affordable accommodation, including those who for whatever reasons might be lonely, away from their families, because of and including, work or study, able but not employed, able and employed, people trying to save for their first homes.

The provision of accommodations which [REDACTED] outlines in his submission will enable different people to:

afford their accommodation whilst living in a sociable, safe and hygienic environment;

reduce their weekly commitments which enables people to save for their first homes;

form friendships and social contacts to provide a more meaningful purpose to their lives, especially if they have been affected by loneliness or isolation, from their usual family supports, and in a lot of cases, where there is no family support.

Throughout my experience as a provider of decent, affordable homes in low density areas, which look like homes, I have witnessed young couples affording their accommodation and saving for their first home; younger trained people sharing their experiences and training to assist older people by talking with them and taking them on outings and involving older people and others to participate across different social events and cultures.

I have witnessed people who are private and secluded enjoy their homes and not just a room in a large house; I have witnessed several ethnic backgrounds living happily together and appreciating each others background whilst enjoying the Australian way of life.

I believe this has all been brought about because these different individuals from all walks of life and the world get to live together within a "home" environment where they also might have the opportunity to be as private as they wish or to interact and socialise as often as they want.

If all of Australia is permitted to promote a "family" environment within normal housing, which is often too large and has rooms or areas which are not even used by the tenant or owner, so many social problems could be overcome.

Thank you.

[REDACTED] homeowner from Brisbane.
ph. [REDACTED]

From: [REDACTED]
Sent: Thursday, 5 March 2020 3:21 PM
To: [REDACTED]
Subject: HI-RES Students ACT needs your help!

Hi [REDACTED]

If we're to keep affordable housing as a viable investment opportunity in all states of Australia,

we need to have our collective voices heard!

That's why I'm asking for your help to stop ACT regulators from removing Small Scale Boarding Houses from the RZ1 Zone, and then PUSH HARD on them **TO CREATE POLICY OF 5 PEOPLE OR LESS IN LOW DENSITY WITH PRIVATE CERTIFICATION.**

Even if you're not investing in the ACT, these proposed changes could affect you in the long run as they set the pace and examples for all jurisdictions.

We as a group have huge influence, and it will take a number of submissions in your words to create that **INFLUENCE**. We have done this before in many parts of the country.

Please help by sending a submission to affect Housing Choices in the ACT!

Submissions are due tomorrow, March 6th, to address the Draft Variation to the Territory Plan. [Here is a link to our submission document](#) for your reference.


PLEASE DON'T COPY & PASTE the document, as it will make it totally ineffective. It's much better if you make your individual submission in your own words.

The main points we wish to make are:

- We disagree with removing small scale boarding houses from RZ1 Zone
- RZ1 Zone covers 80% of residential land - therefore it is increasing the un-affordability issue by doing this.
- There should be a separate policy for existing properties to be approved through Private Certifier for 5 people or less.
- Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards
- For properties built pre 2011 remove Universal Access requirements.

That submission for you to use as a guide only, once again is [HERE](#)

Many thanks for your support,


Property Investor, Educator, Father, Husband.



From: [REDACTED]
To: [Terrplan](#)
Cc: [REDACTED]
Subject: DV365 Housing Choices - Boarding Houses and Co-Housing - submission
Date: Friday, 6 March 2020 5:36:08 PM

To EPSDD

I would like to make a submission on DV365 Housing Choices – boarding houses and co-housing, although I wish to focus on the cohousing element.

By way of background, I have been involved in the promotion of cohousing in Canberra for some time. I was the founding secretary of Cohousing Canberra which formed in early 2018 in response to the ACT Government's housing choices project. We put in submissions to this project and also submitted a cohousing project for the demonstration housing program and was selected as a project without a site. However, this submission is my own and not on behalf of Cohousing Canberra.

I am obviously in support of this Variation as a recognition of cohousing as a distinct housing type. However I believe this Variation is inadequate for actually encouraging the building of cohousing developments. Adding a definition to the Territory Plan does nothing if you don't also change the various development controls that are currently limiting the opportunity to build real cohousing in Canberra. The lack of inclusion of cohousing in RZ1 is an obvious one, as we believe that well-designed cohousing can fit in well with the streetscapes of RZ1, in fact probably a lot better than the many McMansions being built now that take up all their blocks and offer nothing to the neighbourhood.

I also object to the statement that the parking rules are unchanged when Cohousing Canberra repeatedly said the cohousing model does not require so much parking as we would be car-sharing or encouraging public transport and bike use.

The 1050 m2 minimum block size is also an arbitrary, blunt and unnecessary number that could limit innovative micro-housing or conversion of existing McMansions into apartments with shared facilities. Dual occupancies can be built on blocks as small as 700 m2 (Mr Fluffy blocks) so I see no reason why the same minimum can't apply to other types of multi-unit housing.

One thing that the definition in the variation does not pick up is that a feature of cohousing is its cooperative development and ownership. A defining feature of many cohousing developments is that the residents come together first to select a site, work out what type of development they want and how the group will govern itself, and then oversee land purchase, design and construction. It is a resident-led process, not a developer-driven, speculative process. It would be very disappointing if the inclusion of the proposed definition in the Territory Plan led to developers starting to market their mediocre apartment buildings as 'cohousing' and undercutting the whole notion of cohousing being resident-led.

I also wonder about the timing of this Variation. The original government plan was for the demonstration housing projects to be built first to demonstrate to the community that these types of innovative development could be quite acceptable and fit in with the streetscape, and to determine what broader changes needed to be made to the Territory Plan to facilitate other projects. Is the government now abandoning the demonstration projects and making half-hearted and ill-considered changes to the Territory Plan first to try to show that it is doing something about the continuing lack of housing choice?

I should say that I am no longer participating in the Cohousing Canberra demonstration project as I can no longer wait for the government to actually offer a block of land as originally promised. In September 2018 the Demonstration Housing Team (DHT) in EPSDD offered Cohousing Canberra a number of possible sites to consider for our development. We narrowed our

selection down to the two sites in Wattle Street Lyneham and Aspinall Street Watson. We recognised however that the sites were quite different in size, location and orientation. These factors made it difficult for the group to make a final decision about the preferred site until we had the complete set of information about each site, and in particular the land price.

The DHT advised that we would get all the information before Christmas 2018, but as far as I am aware Cohousing Canberra is still waiting for that information. Whenever we asked the DHT for an explanation for the delay there always seemed to be further studies that needed to be done or the need to get clearance from Ministers or other parts of government. This very long delay has made me question the Government's commitment to the demonstration housing program and caused Cohousing Canberra to lose a lot of its momentum in planning for a cohousing development.

We had been encouraged to believe that the ACT Government is enthusiastic about sustainable housing alternatives for the Canberra community - a trend which is flourishing all over the world - but the lack of real action has made it very frustrating & discouraging to those people in the community who are very interested in this housing possibility.

Regards

[REDACTED]
[REDACTED]

Lyneham

Environment, Planning and Sustainable Development Directorate

GPO Box 158,

Canberra ACT 2601

terrplan@act.gov.au

RE: Proposed changes to the Territory Plan (2.2.2) in particular, the complete removal of the allowance for boarding houses in RZ1

Thanks for the opportunity to respond to the changes to the Planning and Development Act that have been proposed through the recent community Hub.

My name is [REDACTED] and my husband and I are about to invest into small scale boarding houses.

We are members of [REDACTED] HIRES community and are collectively trying to impact the housing crisis in this nation. We believe that creating these small-scale boarding houses or co-living arrangements can create affordable housing for many of those facing mortgage stress. What is currently proposed (removing small scale boarding houses from the RZ1 Zone which covers close to 80% of residential land in the ACT) would increase the un-affordability issue.

Our understanding is that the public housing waiting list has blown out to over 1700 so clearly the authorities need private investors to participate in the solution.

Encouraging private investors to buy into the solution to the housing affordability crisis would greatly impact the time frame of your solution and reduce the cost of the government's response.

The majority of dwellings are 2-4 bedrooms yet the majority of demand is for 1-2 bedroom dwellings. So there is already a large proportion of rooms out there currently underutilized, and these can be used to meet the shortfall in affordable housing. In fact the larger a home is, the less affordable it is to rent and less viable for landlords if all they can do with it is put a single family into the home.

This is exactly the area of investment that our group is looking at: converting existing dwellings into co-living spaces.

But for this to happen it needs to be a viable arrangement for investors. May I suggest a couple of options:

- Utilize a private certifier for houses with 5 or less people. Currently we are able to do this in some other areas of the nation e.g. in Brisbane City Council which reduces the load on the council for these small-scale Communal houses.
- If you allow a kitchenette and bathroom in each unit with a shared kitchen and possibly living area, it can still afford privacy and make it more livable and at the same time create community around these vulnerable people who might otherwise find themselves unable to afford a roof over their heads.
- Universal access requirements are great for new homes however they make setting this up in existing homes unviable which defeats the purpose of utilizing these existing rooms already available to the market. Perhaps you could waive the universal access requirements for existing homes or at least from homes built before a set date - say 2011.
- Make realistic requirements for parking spaces so that the neighbours are not adversely impacted.

Benefits

- Middle aged people who have been divorced or widowed and find themselves financially stress, would be able to afford to stay in the community they have lived in all their lives (this is a rapidly rising demographic nationwide)
- Young people saving up for a deposit on their own home. This sort of accommodation can enable them to save for their deposit without having to stay with parents for years.
- Workers travelling with their jobs don't need to purchase a home and short stay accommodation is too expensive, so this is a viable option for them
- Women and children escaping domestic violence can be accommodated in a community/family atmosphere rather than with others in a similar situation where the entire house lives in fear. This seems healthier to me.

- Workers who need to live near their work temporarily e.g. when major projects are underway housing is required but afterwards the market plummets and this sort of home is readily changed back to standard housing after the demand eases. There would be less home needing to be built around these projects and these are far more pleasant than a temporary donger.

-

These options could be implemented very fast, have immediate impact and cost the government nothing to implement, but make a huge inroad into solving a problem that is facing our nation.

If the ACT could implement regulations that open up this form of investment, it could lead the way for so many other areas who have yet to realize how easily they could resolve the housing affordability crisis in their areas, and take some of the pressure off the public housing at the same time.

Yours sincerely,

[REDACTED]

[REDACTED]

Springfield Central Qld 4300

[REDACTED]

From: [REDACTED]
To: [Terrplan](#)
Subject: Towards a new housing strategy
Date: Friday, 6 March 2020 10:49:30 PM

To the Environmental, Planning and Sustainable Development Directorate,

I work with an organisation that focuses on creating affordable housing for working professionals, struggling Gen-Y's and over 50's divorcees. The goals are to implement housing solutions that in essence create life rich communities by alleviating the effects of mortgage stress in an environment that sees very little wage growth. These communities help to reduce homelessness as well. In order to achieve this I believe the following points should be considered strongly:

- Do not remove small scale boarding houses from RZ1 Zone. this zone covers 80% of the land and as a side effect you will inadvertently increase the un-affordability issue by doing this.
- A separate policy for existing properties should be implemented that allow approve through Private Certifier for 5 people or less.
- Small Scale Communal houses with 5 rooms or less should have a shared kitchen with their own kitchenette and bathroom and have same requirements as Victorian Rooming House Minimum Standards
- For properties built pre 2011 remove Universal Access requirements.

Kind Regards,

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Terrplan](#)
Subject: Housing Choices in the ACT/ Proposed changes to the Territory Plan
Date: Saturday, 7 March 2020 8:34:18 AM

To whom it may concern,

I'm upset by, and opposed to, the proposal to remove Small Scale Boarding Houses from the RZ1 Zone in the ACT. I believe this will make the unaffordable issues we have in housing even greater.

Why not create and embrace a policy that helps both people looking to rent and the property owners?

A policy where five people or less can live together in low density dwellings with the approval of private certifiers?

Everybody wins then. It's happening with great success in other parts of our great country.

Thank you for your time in hearing me. I hope you can make the right choice that helps everybody win.

Regards,

[REDACTED]

DV 365 - HOUSING CHOICES - CO-HOUSING AND BOARDING HOUSES

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

AUGUST 2021

REPORT 4

COMMITTEE MEMBERSHIP

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Suzanne Orr MLA (Deputy Chair)
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SECRETARIAT

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RESOLUTION OF APPOINTMENT

On 2 December 2020 the Legislative Assembly resolved to establish the Standing Committee on Planning, Transport, and City Services.¹

Under the Resolution the Committee is responsible for examining the following areas:

- City Renewal Authority;
- Suburban Land Agency;
- Planning and Land Management;
- Transport;
- City Services including waste and recycling;
- Housing (excluding service provision); and
- Building and Construction.²

¹ Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

² Legislative Assembly for the ACT, *Minutes of Proceedings*, 2 December 2020, pp.17, 20, available at: https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1669030/MoP002F.pdf

TERMS OF REFERENCE

The Committee's Terms of Reference are to 'prepare a report on the on the draft plan variation' as provided for under Section 73 of the *Planning and Development Act 2007*.³

³ *Planning and Development Act 2007, s 73(2)*.

TABLE OF CONTENTS

- Committee membership..... iii
- Resolution of appointment.....iv
- Terms of reference v
- RECOMMENDATIONS..... 1**
- 1 INTRODUCTION 2**
 - Conduct of the inquiry..... 2
 - Draft Variations..... 2
 - Residential zones 3
 - Structure of the report 4
- 2 THE DRAFT VARIATION 7**
 - Government view..... 7
 - Concern about dealing with co-housing and boarding houses together..... 10
- 3 CO-HOUSING 13**
 - Definitions of co-housing..... 13
 - Restrictions..... 15
 - Reactions from proponents of co-housing..... 20
- 4 BOARDING HOUSES 23**
 - The proposal 23
 - Boarding houses and the ACT 23
 - Definitions 25
 - ‘Choice’ 27
 - Regulation 30
 - Financial aspects 32
 - Design aspects 33
- 5 COMMITTEE COMMENT 37**
- APPENDIX A WITNESSES 39**
- APPENDIX B SUBMISSIONS 41**

RECOMMENDATIONS

RECOMMENDATION 1

- 5.4 The Committee recommends that the ACT Government should deal with any proposed planning changes for co-housing and boarding houses in separate Draft Variations.

RECOMMENDATION 2

- 5.5 The Committee recommends that the co-housing components of DV365 be withdrawn and Territory Plan amendments concerning co-housing be made following evaluation of the co-housing projects currently being progressed through the demonstration housing project, the Collaboration Hub, community consultation and existing informal co-housing models in Canberra.

RECOMMENDATION 3

- 5.6 The Committee recommends that if the ACT Government review its regulatory and compliance regime for both private and community boarding houses in the ACT. This could be modelled on existing community boarding house regulation and should be designed to protect boarding house residents. It should include a system of licensing, inspection and registration and should be developed in consultation with the existing community housing sector.

RECOMMENDATION 4

- 5.7 The Committee recommends that if the ACT Government retains co-housing in DV365, it consider:
- whether co-housing should be prohibited or permitted in RZ1 and if it is permitted, whether it should be limited to one per section and be subject to other limitations such as the Living Infrastructure policy;
 - using the original definition of co-housing distributed in the original consultation;
 - policy and options for unit title for co-housing; and
 - embedding a review of co-housing in five years' time.

1 INTRODUCTION

CONDUCT OF THE INQUIRY

- 1.1 On 1 March 2021 the Acting Minister for Planning and Land Management, Mr Chris Steel MLA, referred Draft Variation (DV) 365 - *Housing Choices - Co-Housing and Boarding Houses* to the Standing Committee under Section 73(2) of the *Planning and Development Act 2007*.
- 1.2 On 11 March 2021 the Committee agreed to inquire further into the Draft Variation. The Chair of the Committee wrote to the Minister for Planning and Land Management on 25 March, and made a statement to the Assembly on 30 March,⁴ advising of its decision.
- 1.3 Under Section 73 of the *Planning and Development Act 2007*:

The Minister must, within 5 working days after the day the public availability notice for the draft plan variation is notified, refer the draft plan variation documents to an appropriate committee of the Legislative Assembly, together with a request that the committee decide whether it will prepare a report on the draft plan variation.⁵
- 1.4 The Committee's Terms of Reference are to 'prepare a report on the draft plan variation' as set out in Section 73 of the *Planning and Development Act 2007*.⁶
- 1.5 In the course of the inquiry, we received eight submissions and held one public hearing, on 15 July 2021.

DRAFT VARIATIONS

- 1.6 Consultation Notices for Draft Variations to the Territory Plan, published in the ACT Legislation Register, include a standard description of the Draft Variation Process:

The Commonwealth's *Australian Capital Territory (Planning and Land Management) Act 1988* allows for the Legislative Assembly to make laws to establish a Territory Planning Authority and for that Authority to prepare and administer a Territory Plan. The *Planning and Development Act 2007* (the Act) establishes the planning and land authority as the Authority that prepares and administers the Territory Plan, including continually reviewing and proposing amendments as necessary. The functions of the

⁴ *Minutes of Proceedings*, 30 March 2021, p.88.

⁵ *Planning and Development Act 2007*, s 73(2).

⁶ *Planning and Development Act 2007*, s 73(2).

planning and land authority are administered by the Environment, Planning and Sustainable Development Directorate (EPSDD). The Director-General of EPSDD is the planning and land authority.

The Territory Plan is comprised of a written statement and a map. The written statement contains a number of parts, namely governance; strategic directions; zones (including objectives and development tables and zone or centre development codes); precinct codes; general codes; overlays; definitions; structure plans, concept plans and development codes for future urban areas.

The Territory Plan Map graphically represents the applicable land use zones (under the categories of residential, commercial, industrial, community facility, urban parks and recreation, transport and services and nonurban), precincts and overlays. The zone, precinct and overlay requirements are detailed in the Territory Plan.

Draft variations to the Territory Plan are prepared in accordance with the Act. Following the release of the draft variation under section 63 of the Act, submissions from the public are invited. At the conclusion of the consultation period the EPSDD (planning and land authority) submits a report on consultation and a recommended final variation to the Minister responsible for planning for referral to the Legislative Assembly standing committee responsible for planning. The Minister must consider any recommendations of the committee before deciding whether to approve the draft variation. If the Minister approves the variation, the variation and associated documents will be tabled in the Legislative Assembly. Unless disallowed by the Legislative Assembly within five sitting days, the variation commences on a day nominated by the Minister.⁷

RESIDENTIAL ZONES

1.7 This report refers to residential zones RZ1 to RZ5. These are categories of residential zones set out in the *Territory Plan 2008*, under which:

- RZ1 Suburban Zone, for which the first zone objective is to provide for ‘the establishment and maintenance of residential areas where the housing is low rise and predominantly single dwelling and low density in character’;⁸

⁷ Quoted from *Draft Variation to the Territory Plan DV379: Nature Reserve – Kenny Environmental Offset Site, December 2020, Draft variation for public consultation prepared under s60 of the Planning and Development Act 2007*, pp.1-2, included in *Planning and Development (Draft Variation No 379) Consultation Notice 2020 - Notifiable instrument NI2020—779*, viewed 4 June 2021, available at: <https://www.legislation.act.gov.au/View/ni/2020-779/current/PDF/2020-779.PDF>

⁸ *Territory Plan 2008*, RZ1 Suburban Zone, viewed 16 August 2021, available at: <https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/128605/PDF/2008-27.PDF>

- RZ2 Suburban Core Zone, for which the first zone objective is to provide for ‘the establishment and maintenance of residential areas where the housing is low rise and contains a mix of single dwelling and multi-unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres’;⁹
- RZ3 Urban Residential Zone, for which the first zone objective is to provide for ‘the establishment and maintenance of residential areas where the housing is low rise and predominantly medium density in character and particularly in areas that have good access to facilities and services and/ or frequent public transport services’;¹⁰
- RZ4 Medium Density Residential Zone, for which the first zone objective is to provide for ‘the establishment and maintenance of residential areas where the housing is medium rise and predominantly medium density in character and particularly in areas that have very good access to facilities and services and/ or frequent public transport services’;¹¹ and
- RZ5 High Density Residential Zone, for which the first zone objective is to provide for ‘the establishment and maintenance of residential areas where the housing is generally high density in character particularly in areas that have very good access to facilities and services and/ or frequent public transport services’.¹²

1.8 In summary, RZ1 provides for the lowest level of density in residential areas, and this increases through the RZ zones to RZ5, which provides for the highest levels of residential density permitted under the *Territory Plan*.

STRUCTURE OF THE REPORT

1.9 This report consists of:

- Chapter 1, which is the present introduction;
- Chapter 2, which considers the Draft Variation itself, taking into account the statements of the Minister for Planning and Land Management and his officers, and comment on the Draft Variation by others;

⁹ *Territory Plan 2008*, RZ2 Suburban Core Zone, viewed 16 August 2021, available at:

<https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/118752/PDF/2008-27.PDF>

¹⁰ *Territory Plan 2008*, RZ3 Urban Residential Zone, viewed 16 August 2021, available at:

<https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/118753/PDF/2008-27.PDF>

¹¹ *Territory Plan 2008*, RZ4 Urban Residential Zone, viewed 16 August 2021, available at:

<https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/118753/PDF/2008-27.PDF>

¹² *Territory Plan 2008*, RZ5 High Density Residential Zone, viewed 16 August 2021, available at:

<https://www.legislation.act.gov.au/DownloadFile/ni/2008-27/copy/118755/PDF/2008-27.PDF>

- Chapter 3, which considers comment and debate on co-housing and the Draft Variation in greater detail;
- Chapter 4, which considers comment and debate on boarding houses and the Draft Variation in greater detail; and
- Chapter 5, which presents our reflections and recommendations in response to the material presented in the body of the report.

2 THE DRAFT VARIATION

GOVERNMENT VIEW

- 2.1 The Minister for Planning and Land Management, Mick Gentleman MLA, appeared before us with his officers in hearings of 15 July 2021. We noted comments from contributors which said that in not allowing co-housing in RZ1 and restricting boarding houses in RZ1 to four bedrooms, the Draft Variation could be seen to work against stated goals of flexibility and affordable housing, and asked the Minister to respond.¹³
- 2.2 He told us that the ACT Government was in favour of flexibility in the majority of the ACT's residential areas, to provide housing choices now and in the future, and that the Draft Variation was a way to achieve this. Referring to the comments cited in the question, he told us that the Government did not want to be inconsistent with the ACT planning system, or the National Capital Plan: the purpose of the Draft Variation was to give the Government the ability to consider more flexible arrangements, and to allow it to gauge what the Canberra community 'would like to see'.¹⁴
- 2.3 Responding to further questions about the restrictions, the Senior Director, Territory Plan Variation Unit, EPSDD, told us that because co-housing was a new type of development for the ACT, the Government wanted 'just to test it out first' and 'see how it worked', by trailing it in RZ2, RZ3, RZ4 and RZ5 zones first, and then considering it for RZ1 areas in the future.¹⁵
- 2.4 At another point in the hearing, in responding to a comment from the Committee that the Draft Variation appeared to struggle to define co-housing, the Minister also told us that the Government saw the Draft Variation as an opportunity to test Canberra's appetite for change and that it would make decisions after that became evident. He made similar comments when the Committee put it to him that the Draft Variation appeared not to take into account that there was more than one kind of boarding house.¹⁶
- 2.5 When asked how long it would be before the Government implemented, reviewed and potentially amended the arrangements set out in the Draft Variation, Minister Gentleman told us that it was necessary to allow for the statutory process currently underway, in which the

¹³ See for example Submission No 1, Mrs Else and Mr Chris Aitchison, pp. [1-2]; Submission No 2, Co-housing Canberra, pp. [3-4]; and Submission No 7, Ms Julie Esdaile Bray, para. 3.

¹⁴ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, pp.1-2.

¹⁵ Ms Alix Kaucz, *Proof Transcript of Evidence*, 15 July 2021, p.2.

¹⁶ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, pp.2-3.

Committee was conducting an inquiry, on which it would report. The Government would respond to the report, the DV would be introduced, then the Government would see how the Canberra community felt about the changes available under the Draft Variation 'and then go from there'.¹⁷

RESTRICTIONS

- 2.6 We asked further questions about the restrictions set out in the Draft Variation, including why, when contributors seemed so much more positive about co-housing, it was boarding houses that the Draft Variation permitted in RZ1. The Senior Director, Territory Plan Variation Unit, told us that currently, the Territory Plan permitted boarding houses in RZ1. The consultation version of the Draft Variation prohibited boarding houses in RZ1 and then, following submissions, in the recommended Draft Variation they were again permitted in RZ1 but were limited by size, due to community concern about larger boarding houses in RZ1. Co-housing, on the other hand, in the sense used in the Draft Variation, was not provided for in the Territory Plan.
- 2.7 We also noted the views of Caroline Le Couteur, who had suggested that the central theme of the Draft Variation appeared to be to ensure only single household residences were constructed in RZ1, and that it appeared to be compatible neither with the Government's target of 70% of new dwellings being urban infill or the housing choices recommendations. When we asked whether the Draft Variation represented an opportunity to support the broader planning objectives of the Government, Minister Gentleman told us that this was not within the remit of the housing choices policy, or the results of the Collaboration Hub which gave rise to it.¹⁸

CHOICES

- 2.8 We also asked whether the advent of the Draft Variation was related in any way to the present rental crisis in the ACT, including whether the release of the Draft Variation was an acknowledgement that some people were having trouble entering the private rental market or public housing. The Minister told us that it was not, and that the Draft Variation was a direct response to Collaboration Hub recommendations and the Government's consideration of them.¹⁹

¹⁷ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.4.

¹⁸ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, pp.9-10.

¹⁹ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.5.

2.9 We asked whether it was the case that many of the people who would take up the option of boarding house accommodation provided for under the Draft Variation would do so in the absence of choice, rather than because of it, the Minister told us that the whole idea of the Draft Variation was to provide choice. He said that the ACT needed to provide more choice than was available at present, and that this was a direct outcome from the Collaboration Hub, where participants had said they wanted to see more choice in Canberra.²⁰

2.10 When we noted that in other cities boarding house accommodation was used by people who did not have a choice due to their economic circumstances, the Minister told us:

We are not other cities. We have had a very structured, planned city for many years and the Territory Plan is very structured as well. This is an opportunity to open that up a little and have a look at what choices we could provide.²¹

UNINTENDED CONSEQUENCES

2.11 We also asked whether there was a risk that new forms of accommodation permitted under the Draft Variation, such as smaller boarding houses, could be picked up by Airbnb or businesses operating under similar models, given that the Draft Variation was silent on this kind of business involvement. The Senior Director, Territory Plan Variation Unit, told us that Airbnb or similar business models were about how buildings or structures were used, but the Draft Variation was concerned with what could be developed on a block. Currently there were no controls for Airbnb and similar businesses. The Draft Variation would allow new types of dwelling for which there appeared to be demand: in particular, for co-housing, which occupied a space between share housing and multi-unit developments.²²

REGULATORY PROTECTION

2.12 We asked the Minister and his officers whether:

- there was sufficient regulatory protection for people who live in boarding houses;²³
- ‘worst case scenarios’ could come out of the draft variation in the absence of baseline regulation for boarding houses in the ACT;²⁴

²⁰ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.5.

²¹ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.5.

²² Ms Alix Kaucz, *Proof Transcript of Evidence*, 15 July 2021, p.5.

²³ *Proof Transcript of Evidence*, 15 July 2021, p.6.

²⁴ *Proof Transcript of Evidence*, 15 July 2021, pp.6-7.

- there were gaps in tenant advocacy,²⁵ and whether
- boarding houses delivered on ‘the right of people to live independently and participate in the community’.²⁶

2.13 In response they told us that, respectively:

- it was difficult to comment on whether there was adequate regulatory protection, but the Directorate worked with other directorates to assess the adequacy of regulatory systems;²⁷
- appropriate regulation for boarding houses and questions about tenant advocacy were ‘probably a matter for the committee to have a think about’;²⁸ and that
- ‘we need to do as much as we can to look after the most vulnerable in our society [and if] we can do that through assisting in regulation, then we should do that [but] we also need to provide housing opportunities for those people that are not in that case as well.’²⁹

CONCERN ABOUT DEALING WITH CO-HOUSING AND BOARDING HOUSES TOGETHER

2.14 Other contributors to the inquiry were concerned that Draft Variation 365 dealt with co-housing and boarding houses together, and that in view of marked differences between them this was not productive.

2.15 The ACT Council of Social Services (ACTCOSS) told us that the effect of the Draft Variation would be to:

- maintain boarding houses as merit assessable development in residential zoning areas;
- prescribe the number of rooms in a boarding house; and
- regulate and potentially restrict co-housing within residentially zoned areas.³⁰

²⁵ *Proof Transcript of Evidence*, 15 July 2021, p.7.

²⁶ *Proof Transcript of Evidence*, 15 July 2021, pp.7-8.

²⁷ Dr Erin Brady, *Proof Transcript of Evidence*, 15 July 2021, p.6.

²⁸ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.7.

²⁹ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.8.

³⁰ Submission No 3, ACTCOSS, p.2.

- 2.16 Co-housing Canberra told us that co-housing and boarding houses were ‘very different’ types of housing and that dealing with them together in the Draft Variation could lead to confusion and a perception that they were similar.³¹
- 2.17 ACT Shelter went further, saying that the two were polar opposites. Co-housing models sought to create intentional communities on ‘an opt-in basis’, where residents bought-in and held equity in the housing venture ‘over time’. Boarding houses, by contrast, offered occupants no choice about their co-habitants.³²
- 2.18 ACTCOSS told us that policy issues in relation to co-housing were very different to those for boarding houses. Co-housing involved ‘a number of distinct units on a block or micro-apartments with separate dwellings’ and were more similar to independent dwellings. Boarding houses included shared facilities and services, such as kitchens and bathrooms, comprising a ‘congregate model’ of shared supports and cohabitation. As a result, ACTCOSS suggested ‘de-coupling’ policy and regulatory work for boarding houses from similar for co-housing.³³

³¹ Submission No 2, Co-housing Canberra, p. [1].

³² Submission No 8, ACT Shelter, pp. [1-2].

³³ Submission No 3, ACTCOSS, p.5.

3 CO-HOUSING

DEFINITIONS OF CO-HOUSING

- 3.1 We asked contributors about the definition of ‘co-housing’. Ian Ross told us that he was one of the participants in Stellulata Cohousing, a demonstration housing project proposed for Angus Street in Ainslie, and which was the subject of a forthcoming Draft Variation 376.³⁴
- 3.2 He told us that Stellulata followed principles of co-housing, which included:
- use of a participatory process, in which residents took part in design to ensure it met their needs;
 - the design of ‘the neighbourhood, the physical layout and the orientation of the buildings’ encouraged ‘a sense of community and social interaction’;
 - common facilities ‘designed for daily use’ which were an integral part of the community but were supplemental to those of private residences, ‘so you have your own private space’;
 - resident management, in which residents directly managed the co-housing community and performed much of the work required to maintain the property; and
 - a ‘non-hierarchical structure’ for decision-making, in which each person took on roles ‘consistent with their skills, abilities and interests’ and decisions were made collaboratively.³⁵
- 3.3 Chris Aitchison’s personal experience of living in co-housing for three years at Murwillumbah in NSW provided a practical definition of co-housing. When asked about the split between facilities in individual dwellings and shared facilities, he told us that he and his immediate family had a small area in which to live and modest private facilities.³⁶
- 3.4 Shared facilities included a communal kitchen with a shelter; a couple of dams; and roads and bridges. Residents met at monthly to make decisions about their upkeep.³⁷

³⁴ Mr Ian Ross, *Proof Transcript of Evidence*, 15 July 2021, p.32.

³⁵ Mr Ian Ross, *Proof Transcript of Evidence*, 15 July 2021, p.39.

³⁶ Mr Chris Aitchison, *Proof Transcript of Evidence*, 15 July 2021, p.36.

³⁷ Mr Chris Aitchison, *Proof Transcript of Evidence*, 15 July 2021, p.36.

3.5 Regarding the financial side of these arrangement, he told us:

all we owned was a one-dollar ordinary share in a company that owned the piece of land; but owning that share then ascribed us a series of rights that was set out in a deed of agreement. They included the right to quiet enjoyment of a three-acre piece of land.³⁸

SENTIMENT

- 3.6 Sentiment about co-housing was for the most part positive among contributors to the inquiry. Else and Chris Aitchison told us they had direct experience of co-housing through some years of living with family under such an arrangement on the Far North Coast of NSW. In their view co-housing could improve housing affordability, allowing people to own a home who would otherwise have no prospect doing so, and could also be a beneficial response to social isolation and loneliness. While it wasn't for everyone, for some co-housing was a practical path to home ownership and a 'rewarding' way to live, and they thought that the ACT's planning laws should support it.³⁹
- 3.7 They thought that the Territory Plan should make a wider range of housing choices available in the ACT by way of new provisions for co-housing and amendments to existing provisions for boarding house. However, they told us, Draft Variation 365 offered 'little or nothing' that would expand housing choice.⁴⁰ Julie Esdaile Bray also told us that she believed that the recommended variation was flawed.⁴¹
- 3.8 A number of submissions expressed a positive view toward co-housing, although this was influenced, to a degree, by the fact that a number of submitters were affiliated with Co-housing Canberra.⁴²
- 3.9 Not all submissions were positive in their views, however. Friends of Hawker Village told us that the co-housing provisions of the Draft Variation, if implemented, would lead to the degradation of current planning controls and protections in residential zones in the ACT, and a reduction in quality of life and amenity.⁴³

³⁸ Mr Chris Aitchison, *Proof Transcript of Evidence*, 15 July 2021, p.36.

³⁹ Submission No 1, Mrs Else and Mr Chris Aitchison, p. [1].

⁴⁰ Submission No 1, Mrs Else and Mr Chris Aitchison, p. [1].

⁴¹ Submission No 7, Ms Julie Esdaile Bray, para. 1.

⁴² See Submission No 5, Ms Caroline Le Couteur; Submission No 6, Mr Ian Ross; and Submission No 7, Ms Julie Esdaile Bray.

⁴³ Submission No 4, Friends of Hawker Village.

RESTRICTIONS

- 3.10 Contributors told us about two forms of restriction that had been brought into play in the Draft Variation, that is: those based on the number of dwellings permitted on a parcel of land, and those based on permitted uses in zones under the Territory Plan.

RESTRICTION BY NUMBER

- 3.11 Else and Chris Aitchison told us that the original Draft Variation 365 — as released for consultation — did not propose limits on the number of dwellings for co-housing on a parcel of land. However, the recommended Draft Variation provided that dwelling numbers would be limited by Multi Unit Code Element 3, with the result that only three dwellings would be permitted on a 1050-1400 m² block. They told us that because this was no different to current provisions for multi-unit housing, the revised Draft Variation would do nothing to improve housing choices or affordability.⁴⁴
- 3.12 They told us that it was their ‘firm view’ that co-housing developments should not be limited by number of dwellings. Rather, limits should be imposed indirectly by way of design constraints, and a requirement that a proposed development be suitable for the character and amenity of the suburb for which it was proposed. If a co-housing development could provide for greater than three dwellings without detracting from the character or amenity of a suburb, then it should be permitted. If, on the other hand, the proposed development detracted from character and amenity it should not be approved.⁴⁵
- 3.13 Cohousing Canberra took a similar view. They told us that they were disappointed with changes from the consultation draft to the recommended draft variation. Initially limits on dwellings were to be set solely on the basis of ‘plot ratio/site coverage provisions’. This, they told us, was a good approach in view of the different sizes of dwelling likely to be proposed for co-housing developments catering to ‘a diverse community’. Shared facilities and minimum private living area requirements would permit a ‘diversity of dwelling size and type’ to facilitate build to rent and ageing in-place. However, the recommended Draft Variation, by using Element 3 of the Multi Unit code to determine the number of dwellings permitted, removed the capacity for co-housing developments to provide affordable options in a mix of dwelling sizes, and thus removed ‘the only innovative provision’ for co-housing in the Draft Variation.⁴⁶

⁴⁴ Submission No 1, Mrs Else and Mr Chris Aitchison, p. [2].

⁴⁵ Submission No 1, Mrs Else and Mr Chris Aitchison, p. [2].

⁴⁶ Submission No 2, Co-housing Canberra, pp. [3-4].

- 3.14 Julie Esdaile Bray also said that this part of the original Draft Variation had been removed from the recommended version, without any clear rationale; that this would limit the capacity of co-housing developments to provide affordable options; and that the original provision without limits on numbers of dwellings should be reinstated, ‘with better design guidelines’.⁴⁷

RESTRICTION BY ZONE

- 3.15 As noted above, there were differences of opinion about limits on co-housing based on zoning under the Territory Plan. Most in favour of co-housing saw the Recommended Draft Variation as too restrictive, while Friends of Hawker Village considered them too liberal and likely to lead to a downturn in standards and compliance.

VIEWS OF SUPPORTERS OF CO-HOUSING

- 3.16 In the first category, Else and Chris Aitchison told us that the Recommended Draft Variation would restrict co-housing developments to RZ2-RZ5.⁴⁸ This, they told us, was ‘arbitrary and nonsensical’ as it would make 80 percent of the existing urban area out-of-bounds for co-housing developments. While not in favour of it, a case could be imagined for capping the number of co-housing developments in an RZ1 (Suburban Zone) section, but there was no sound rationale for removing co-housing from RZ1 completely.⁴⁹
- 3.17 Julie Esdaile Bray told us that it appeared that the rationale for prohibiting co-housing in RZ1 was that this question would be considered in the current review of the Territory Plan. However, she said, this element of the Draft Variation would limit the affordability and availability of land for co-housing. A better approach, she told us, was that currently applied to boarding houses, which were limited to one per section in RZ1. In her view, affordable housing was urgently needed, and waiting for the conclusion of the Territory Plan review was ‘a regressive step’. She also told us that co-housing was suited to smaller blocks, and should be permitted on smaller blocks in all zones, ‘using plot ratio and site provisions to limit scale’.⁵⁰
- 3.18 In hearings, Julie Esdaile Bray told us that she advocated for opportunities to develop co-housing in RZ1, rather than in RZ2 and RZ3, primarily because there was ‘very little’ land available in areas zoned RZ2 and RZ3. Under those conditions it would be ‘very difficult’ to test co-housing concepts simply due to scarcity of land. These were also more expensive areas to buy into due to competition from commercial developers, making it more difficult to create

⁴⁷ Submission No 7, Ms Julie Esdaile Bray, para. 3.

⁴⁸ Please see the description of zones RZ1 to RZ5 in Chapter 1 of this report, and see the *Territory Plan 2008* at: <https://www.legislation.act.gov.au/ni/2008-27/Current>

⁴⁹ Submission No 1, Mrs Else and Mr Chris Aitchison, p. [1].

⁵⁰ Submission No 7, Ms Julie Esdaile Bray, para. 3, and see also Submission No 2, Co-housing Canberra, p. [4].

affordable housing. She thought allowing co-housing developments in RZ1 areas and limiting them to one per section was a good way to respond to these challenges.⁵¹

- 3.19 Ian Ross told us that he thought the reason why the Draft Variation had not allowed co-housing in RZ1 was that the ACT Government had realised that it was ‘a can of worms to talk about RZ1’, and that in the context of the wider review of the ACT planning system currently underway, the Government was ‘hoping to just put a simple one in first and get it through’.⁵²
- 3.20 Julie Esdaile Bray agreed, telling us that this problem largely related to the question of unit titling in RZ1, and that the Government had been reluctant ‘to bring to the fore at this point’. She thought that there were further definitional matters to be resolved for co-housing, in particular about unit titling, such as whether it was possible to unit title a private living area, and whether it had to have a kitchen. Under present arrangements, if there were more than two kitchens it could not be a single dwelling and was is not permitted in RZ1. These were examples of a number of changes that were needed to permit unit titled co-housing in order to make it ‘fit into the box’, and what was needed was to ‘make that box bigger’.⁵³
- 3.21 Co-housing Canberra also spoke in favour of permitting co-housing in RZ1 areas, at ‘no more than one per section’, as for boarding houses. It considered this was a reasonable approach given limits on the number of available blocks larger than 1050 m² across all zones. Allowing increased density in this way in areas zoned RZ1 would also be consistent with the objective of having up to 70% of new housing within the existing urban footprint, as provided for in the 2018 Planning Strategy. Plot ratio and site provisions were a better way to manage housing density, because limiting co-housing to blocks larger than 1050 m² would significantly restrict its capacity to provide affordable housing options, and would not allow for ‘innovative dwelling design’ that could ‘meet the requirements of neighbourhood character and amenity while providing better housing choice to more people’.⁵⁴
- 3.22 Co-housing Canberra also told us that it strongly supported the development of policy to ensure that permits for co-housing developments were only approved for resident-controlled developments, so as to retain the ‘intent’ of co-housing.⁵⁵

⁵¹ Ms Julie Esdaile Bray, *Proof Transcript of Evidence*, 15 July 2021, p.32.

⁵² Mr Ian Ross, *Proof Transcript of Evidence*, 15 July 2021, p.34.

⁵³ Ms Julie Esdaile Bray, *Proof Transcript of Evidence*, 15 July 2021, p.34.

⁵⁴ Submission No 2, Co-housing Canberra, p. [4].

⁵⁵ Submission No 2, Co-housing Canberra, p. [4], and see also Submission No 7, Ms Julie Esdaile Bray, para. 3.

EXPRESSIONS OF CAUTION

- 3.23 As noted, proponents of co-housing saw the Recommended Draft Variation as applying restrictions that were so narrow as to prevent co-housing from taking up creative solutions, or making a significant difference to housing affordability or diversity.
- 3.24 Friends of Hawker Village took a very different view: they told us that the provisions of the recommended Draft Variation would lead to ‘further erosion of planning rules’ in areas zoned RZ1 for a number of reasons.
- 3.25 First, they told us, the Draft Variation implied that each proposal would require both a variation to the Territory Plan and a Development Application which, they told us, would be ‘cumbersome’ and lead to the ‘softening of the RZ1 provisions overall’.⁵⁶
- 3.26 Second, while at present RZ1 blocks were restricted to one house and a smaller secondary residence (‘of the “granny flat” variety’) under one ownership, co-housing provisions in the Draft Variation would undermine this principle by permitting unit-titling, as in RZ2. Permitted maximum size of a secondary residence had already been increased from 75 sqm to 90 sqm, and the Draft Variation was taking this further, leading to a ‘death by a thousand cuts’ of current controls over RZ1.⁵⁷
- 3.27 Third, they told us that the Draft Variation would also amend the residential zones Multi Unit Housing Development Code to exclude co-housing from dwelling replacement provisions, which was necessary to allow construction of more than a single main dwelling on an RZ1 block. Friends of Hawker Village told us that if these changes were made, flow-on effects would make it ‘highly likely’ that the wealthier and heritage-listed parts of Canberra would eventually be the only remainders of ‘the current RZ1 vision’.⁵⁸
- 3.28 Fourth, Friends of Hawker Village told us that earlier co-housing projects that had been developed in Cook and Kambah had been successful because, distinctively, they were built on land set aside for that purpose when the suburbs were developed and comprised independent townhouses in ‘a community setting’, which was different from current proposals for infill in established suburbs. These earlier developments had been ‘experimental’ at the time, but had not become ‘a popular option’, despite ‘being appreciated by their residents’, and it remained in doubt whether co-housing under current proposals would have a greater chance of success.⁵⁹

⁵⁶ Submission No 4, Friends of Hawker Village, p.2.

⁵⁷ Submission No 4, Friends of Hawker Village, p.2.

⁵⁸ Submission No 4, Friends of Hawker Village, p.2.

⁵⁹ Submission No 4, Friends of Hawker Village, p.2.

3.29 Fifth, they told us of their concerns about evidence presented in connection with another Draft Variation — DV375 Demonstration Housing - Manor House — where owners said that the National Capital Design Review Committee had encouraged them to ‘push the planning rules’ and build into the setback area of a block to increase a communal foyer area. They told us that this showed that there would be ‘further erosion’ of planning rules in RZ1. They were particularly concerned by the changes proposed for RZ1 areas included in Draft Variation 365 and the prospect that they would lead to incremental change that would in time destroy the RZ1 ‘ethos’.⁶⁰

‘FUTURE CONSIDERATIONS’

3.30 Friends of Hawker Village raised further concerns about the future of individual co-housing developments. Referring to Draft Variation 376, Demonstration Housing – Co-Housing, which involved a proposal for a co-housing development in Ainslie, they noted that the proponent had planned a small co-housing community to ‘support each other as they age in their community by sharing resources’.⁶¹

3.31 While these were ‘admirable sentiments’ which were most likely to be achieved by a group of friends such as the proponents were, there were questions about what would happen in the future once people from those people left the complex. Living in close proximity could work well for long-term friends but not always for new residents who were not acquainted. Friends of Hawker Village noted the absence of controls, at this point, to ensure the ‘continued harmonious conduct’ of such co-housing projects, given that the development would be unit-titled. Important questions remained unanswered, including: whether residents would be able to ‘vet’ new purchasers; whether new residents would have ‘the same cooperative spirit’ as the original residents; whether such a development could be sustained in a ‘less-cooperative’ environment; and further questions about potential for re-use and re-purposing.⁶²

3.32 Caroline Le Couteur, on the other hand, said that there was an opportunity cost to *not* allowing unit titling for co-housing. She told us that in reality, small co-housing developments were being built in Canberra in RZ1, with or without unit title. These, she said, were often multi-generation households comprising a combination of large houses, secondary dwellings and other structures. It was not possible at present to unit title separate dwellings arising from this practice and this, she told us, could lead to situations where a parent might build a ‘granny flat’

⁶⁰ Submission No 4, Friends of Hawker Village, p.2.

⁶¹ Submission No 4, Friends of Hawker Village, p.1.

⁶² Submission No 4, Friends of Hawker Village, pp.1-2.

on land owned by their children, without having any legal or financial rights over the dwelling. This created a potential for 'elder abuse' if informal rights were not honoured.⁶³

3.33 Considering another ownership model, the company structure referred to by Ian Ross, Caroline Le Couteur told us in hearings that while it had advantages, it also had a 'huge' disadvantage in that, under that model, 'you are very unlikely to be able to get bank finance to buy that because you are not going to have a mortgage over a block of land with a house on it'.⁶⁴

3.34 Ian Ross told us that although he was in favour of permitting co-housing projects in all residential zones, permitting co-housing within the planning system also ran the risk of creating loopholes for the construction of projects that were 'technically similar but functionally different': that is, that provisions intended to enable co-housing developments could be used to advantage by commercial developers without fulfilling their intended purpose. He suggested that 'resident-led co-housing projects', could be the way to manage this risk. Julie Esdaile Bray put a similar view in her submission to the inquiry.⁶⁵

REACTIONS FROM PROPONENTS OF CO-HOUSING

3.35 The Draft Variation in its present form caused concern among contributors in favour of co-housing.

3.36 Co-housing Canberra wrote that it was difficult to understand why, if many of the submissions to the consultation process were in favour of co-housing, the effect of the recommended Draft Variation was to apply greater controls.⁶⁶

3.37 Caroline Le Couteur told us that that the central theme of the Draft Variation appeared to be that only single household residences should be built in RZ1. Since RZ1 accounted for 80% of residential space in the ACT and government policy intended that 70% of new development should take place in areas already built, this led to large apartment blocks being built in town centres, while RZ1 zones were being 'slowly rebuilt with McMansions that use the entire 50% plot ratio plus generous "Al fresco" areas to house ever smaller families'.⁶⁷

⁶³ Submission No 5, Ms Caroline Le Couteur, p. [2], and see Ms Caroline Le Couteur, *Proof Transcript of Evidence*, 15 July 2021, p.34.

⁶⁴ Ms Caroline Le Couteur, *Proof Transcript of Evidence*, 15 July 2021, p.40, referring to Mr Ian Ross, *Proof Transcript of Evidence*, 15 July 2021, p.39.

⁶⁵ Mr Ian Ross, *Proof Transcript of Evidence*, 15 July 2021, p.37, and see also Submission No 7, Ms Julie Esdaile Bray, para. 3.

⁶⁶ Submission No 2, Co-housing Canberra, p. [3].

⁶⁷ Submission No 5, Ms Caroline Le Couteur, p. [3].

- 3.38 In her view, increasing dwellings and shrinking families contributed to the present crisis in housing affordability. The Housing Choices report had argued that the contemporary housing market did not provide flexibility, either in terms of physical space or ‘possible procurement methods’. However, the Draft Variation only reduced flexibility and did not advance government or community objectives, and it was ‘entirely unclear’ why the Draft Variation in fact reduced options for co-housing and boarding houses. In her view, the Draft Variation was not consistent with either the recommendations from Housing Choices or public submissions to the consultation process,⁶⁸ and seemed to contradict the stated aim of the Draft Variation, which was to implement relevant Housing Choices Collaboration Hub recommendations.⁶⁹ She recommended that a new Draft Variation be proposed in place of the present one implementing a recommendation from the Housing Choices process to increase ‘flexibility and diversity’, and that the planning authority work on changes to the Territory Plan that would lead to more sustainable developments in Canberra.⁷⁰
- 3.39 Ian Ross told us that he hoped that co-housing would eventually be permitted in RZ1. He was one of many who were hoping to downsize from empty family homes without ‘ending up in apartments or moving far away from local friends’. In his view, co-housing brought community into daily life through sharing household resources and tasks, and this was a direct way to increase a sense of ‘social connection’, one of the indicators from the ACT Wellbeing Framework.⁷¹
- 3.40 In hearings, Julie Esdaile Bray told us that Draft Variation 365 failed to achieve its stated intention, which was to increase the diversity of housing, that is: the mix of dwelling sizes and diversity of dwellings. She said it had decreased the capacity to have boarding houses in RZ1, and it had an adequate definition for co-housing ‘without providing any other provisions to make co-housing different’. This was something that could already be approved under multi-unit dwelling provisions — for example by sectioning-off a bedroom and a kitchen and calling that a communal area — so there were ‘no additional provisions’ made through Draft Variation 365. In her view, the Draft Variation was, as suggested by another witness, ‘tinkering around the edges’, ‘barely even doing that’, and was not ‘actually achieving anything’.⁷²
- 3.41 She told us that what had been valuable in the original draft version, not the recommended version, was the principle of not limiting the number of dwellings for co-housing; instances of

⁶⁸ Submission No 5, Ms Caroline Le Couteur, p. [3].

⁶⁹ Submission No 5, Ms Caroline Le Couteur, p. [1].

⁷⁰ Submission No 5, Ms Caroline Le Couteur, p. [3].

⁷¹ Mr Ian Ross, paras. 1-4, referencing ACT Wellbeing Framework, ‘Social connection’, viewed 22 June 2021, available at: <https://www.act.gov.au/wellbeing/explore-wellbeing-data/social-connection>

⁷² Ms Julie Esdaile Bray, *Proof Transcript of Evidence*, 15 July 2021, pp.40-41, citing Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.29.

co-housing would be considered separate dwellings; and that the plot-ratio and site-coverage provisions would control their scale. This last, however, had been 'removed, basically without comment', from the recommended version, and as such there was no provision that made co-housing 'any different to multi-unit housing'.⁷³

- 3.42 If these provisions were reinstated, she told us, co-housing could be developed on smaller blocks than proposed in the Draft Variation. She told us of one instance in the ACT, which she did not identify because it was not legal under current regulation, but was 'a sensational example':

It is the most beautiful building on the street. It has been permitted to be higher than all the other dwellings because it has met many design criteria, so it is actually four storeys, not three, in a three-storey zone. It has, essentially, eight separate dwellings in it that have been lived in. Many of the residents have been there since it was first opened about 13-or-so years ago. It is owned by the people that live on the top floor. They have created a beautiful communal garden. It is a prime example of what can be done on a 200 square metre block.⁷⁴

- 3.43 Under present planning rules, she told us, although it was a successful instance, it was 'not co-housing that [could] be unit titled'.⁷⁵

⁷³ Ms Julie Esdaile Bray, *Proof Transcript of Evidence*, 15 July 2021, p.41.

⁷⁴ Ms Julie Esdaile Bray, *Proof Transcript of Evidence*, 15 July 2021, p.41.

⁷⁵ Ms Julie Esdaile Bray, *Proof Transcript of Evidence*, 15 July 2021, p.41.

4 BOARDING HOUSES

THE PROPOSAL

- 4.1 The recommended version of Draft Variation 365 of December 2020 provided this ‘Summary of the proposal’:

DV365 proposes changes to the Territory Plan to implement Recommendation 7 of the Collaboration Hub.

Theme 4 – Lifestyle and diversity – The current housing options driven by market do not provide flexibility for varying lifestyles in both physical space and possible procurement methods.

Recommendation 7 – For both infill* and new developments, government should require and/or incentivise developers to deliver an increase in: -

1. Mix of dwelling sizes and diversity of dwelling types.
2. The set proportion (%) of new dwellings that meet universal design standards: whilst taking into account different Precincts and changes over time.⁷⁶

- 4.2 Notes for Item 1 included examples of dwelling sizes and types for consideration and possible inclusion in the planning system, which were: ‘single level age-in places, shop top living, build to rent, share housing, loft-style, courtyard, terrace house, mews and manor’.⁷⁷

- 4.3 The summary of proposal did not reference boarding houses, nor attribute the Draft Variation’s proposals for boarding houses to the Collaboration Hub.

BOARDING HOUSES AND THE ACT

- 4.4 When Minister Gentleman appeared before us, we noted that the ACT did not have history of a large number of people using boarding houses, and asked why that was.

- 4.5 Minister Gentleman told us that this was a result of the history of planning in the Territory. When he was born in Canberra it was a small place with a population of only 20,000 people, and did not extend much beyond what is now the inner south and inner north. This was

⁷⁶ Draft Variation 365 – recommended version, December 2020, p.3.

⁷⁷ Draft Variation 365 – recommended version, December 2020, p.3.

contrary to Griffin's plan for Canberra, and later the NCDC (National Capital Development Commission) implemented Canberra's satellite cities. However, since then there had been 'quite a change' in that some people wanted to live closer to the inner city in higher densities and this, he told us, was the reason the Draft Variation had been proposed.⁷⁸

- 4.6 Travis Gilbert of ACT Shelter also told us in hearings about differences between the ACT and other jurisdictions in this respect. He told us that a number of boarding house proprietors in Melbourne, Sydney, Adelaide and Brisbane had inherited very large buildings and by this means 'probably became accidental landlords'. It appeared that Canberra did not have that variety of private ownership and so did not experience the wealth transfers which produced this kind of accommodation in other jurisdictions.⁷⁹
- 4.7 He told us also that there was 'a lot of diversity' in the boarding and rooming house sector. On one hand there were the private boarding houses considered above. On the other hand, there were providers such as Havelock or Ainslie Village, which could be considered operators of boarding houses, but were very different in that they were obliged to meet the 'quite stringent requirements' of the National Regulatory System for Community Housing. He told us that these two models of boarding house accommodation—private and community sector—were very different in their operation and effect.⁸⁰
- 4.8 The submission by ACTCOSS, the ACT Council of Social Services, also spoke about private sector boarding houses, while suggesting that the proposed Draft Variation may 'implicitly suggest support for, or acceptance of, the establishment of new private boarding houses' in Canberra. ACTCOSS acknowledged the fact that the ACT had not much history of large private boarding houses, but noted the experience in other jurisdictions, where privately run boarding houses had 'a long history as unsafe, exploitative and troubled institutional environments' for people on income support, had psycho-social disabilities, were substance-dependent, were coming out of the justice system or had 'experienced trauma'. It told us that in some instances boarding house proprietors had 'claimed to offer therapy, income management and other "services" to tenants' and that these supports had become linked to tenancy arrangements. There had been notable prosecutions of boarding house operators for 'withholding people's incomes, denying people therapy and subjecting vulnerable people to financial, sexual, and physical abuse, violence and coercion', and reports of 'overcrowding, building quality issues and fires'.⁸¹

⁷⁸ Mick Gentleman MLA, *Proof Transcript of Evidence*, 15 July 2021, p.4.

⁷⁹ Mr Travis Gilbert, *Proof Transcript of Evidence*, 15 July 2021, p.26.

⁸⁰ Mr Travis Gilbert, *Proof Transcript of Evidence*, 15 July 2021, p.26.

⁸¹ Submission No 3, ACTCOSS, p.3.

DEFINITIONS

- 4.9 In the awareness that there was more than one kind of boarding house, we asked witnesses for their definition of the term.
- 4.10 Dr Emma Campbell, CEO of ACTCOSS, told us that where co-housing was ‘intentional’, boarding houses were quite different in that residents as a rule did not have any choice as to their accommodation due to their socio-economic status.⁸²
- 4.11 To Craig Wallace, Policy Manager at ACTCOSS, in boarding houses residents shared personal facilities, such as bathrooms and kitchens, accompanied by ‘a level of support services that are usually coming in’. He told us that the ACTCOSS submission to the inquiry was mostly concerned with private boarding houses where people outside a family unit were living together with shared facilities and often shared supports. In some jurisdictions this had included other services such as the provision of food and, sometimes, income management. Some had claimed to provide rehabilitation for people exiting the justice system or dealing with drug dependency.⁸³
- 4.12 Andrew Rowe, CEO of Havelock Housing Association, approached the question from a different angle. He told us that he had trouble understanding the definitions of ‘boarding house’ in the Draft Variation, how Havelock House fitted into those definitions, and what it meant for Havelock House and its objective to provide safe and secure accommodation, ‘particularly for those on very low incomes and those with highly complex support needs’.⁸⁴
- 4.13 He told us that solutions for people who were residents at Havelock House were ‘very limited’ in the ACT:
- We have continual demand that we cannot meet—on average, about 20 people looking for a room. We constantly get referrals from other organisations. It was conveyed to me recently that someone who came to us looking for a home in Havelock House was told by OneLink, the government agency, to just keep badgering Havelock House until we helped them out. That indicates how dire the situation is for people who are on very low incomes and who have other issues—social marginalisation, years of disadvantage. There are very limited options for them.⁸⁵
- 4.14 He told us that it was ‘very hard for us to find options to bring more properties online that suit that cohort’, and that Havelock House provided ‘a lot of social supports, social inclusion
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⁸² Dr Emma Campbell, *Proof Transcript of Evidence*, 15 July 2021, pp.25-26.

⁸³ Mr Craig Wallace, *Proof Transcript of Evidence*, 15 July 2021, p.24.

⁸⁴ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.22.

⁸⁵ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.22.

programs and community development programs’, and that these were very much needed by that cohort. He wondered what were the implications of the Draft Variation for Havelock House and its services, in particular whether it would limit its ability to offer services, or whether this service provision would be handed over to the market and made ‘unaffordable for us, as a highly regulated community housing provider, to do more of what we need to do’.⁸⁶

- 4.15 We asked him whether he was concerned at the idea of the market providing the services currently provided by Havelock House. He told us that he didn’t think the market could or would provide such services. He didn’t entirely agree with negative descriptions, in submissions, of boarding house operations in other jurisdictions, but he thought it important that they were regulated and run by a community housing provider or similar, which could provide ‘the appropriate support services and management of the facility’. If the provision of these services was open to the market, so that it lay more within the private sector, there would be a ‘very real risk’ that the issues highlighted in those submissions could occur.⁸⁷
- 4.16 He also told us that if it was open to the private market, there was a risk that community housing providers, such as Havelock House, would be ‘squeezed out of being able to do those sorts of developments or develop those accommodation settings’. Already it was ‘almost impossible’ for Havelock House to bring new properties on-stream because it was ‘generally expected to pay full price for land and pay for the development’, and the return was ‘generally 50 per cent less than what a private sector landlord would get for the same property’. This made it ‘extraordinarily difficult, if not impossible’, at the moment, for Havelock House to provide new additional accommodation, and he was concerned that the advent of a private market would make it even more difficult.⁸⁸
- 4.17 Co-housing Canberra, in its submission, referred to further possible definitions of ‘boarding house’. It said that:

under the Building code there are two kinds of boarding house: Class 1b boarding houses with up to 12 bedrooms and under 300 m² in size, and Class 3 boarding houses larger than this, with additional building requirements.⁸⁹

⁸⁶ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.22.

⁸⁷ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, pp.22-23.

⁸⁸ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, pp.22-23.

⁸⁹ Submission No 2, Co-housing Canberra, p. [2].

- 4.18 Boarding houses could also be ‘self-contained micro apartments (with bathroom and kitchenette) along with communal areas’, and, it suggested, these should be treated differently ‘by definition and regulation’.⁹⁰
- 4.19 In light of this Co-housing Canberra recommended that ‘definitions and parameters be developed to cater for different types of boarding house developments’.⁹¹
- 4.20 As a result of these contributions to the inquiry, we enumerated three definitions or variants of boarding houses:
- private boarding houses, with or without additional support services;
 - boarding houses or similar accommodation provided by community housing providers; and
 - aggregations of ‘self-contained micro apartments’.
- 4.21 In addition, as noted by Co-housing Canberra, the Building Code of Australia (BCA) divides boarding house accommodation into ‘Class 1b boarding houses with up to 12 bedrooms and under 300 m² in size, and Class 3 boarding houses larger than this, with additional building requirements’, regardless of whether they are operated by private or community housing entities.⁹²

‘CHOICE’

- 4.22 Community sector contributors to the inquiry were critical of boarding houses being included under the rubric of ‘choice’ in the Draft Variation.
- 4.23 Travis Gilbert, in hearings, told us that ‘choice’ was a ‘privileged concept’:

You may find yourself in a boarding or rooming house because at one point you missed a rental payment, you were blacklisted and placed on a tenancy database and no private landlord will take you. You then go into a boarding or rooming house, where you are promised a rent receipt. You ask for it. You pay the next fortnight’s rent. You do not get it. They then want to do something else with that room, increase the rent or bring someone else in, and you have no agency about whether or not you share a room

⁹⁰ Submission No 2, Co-housing Canberra, p. [2].

⁹¹ Submission No 2, Co-housing Canberra, p. [3].

⁹² Submission No 2, Co-housing Canberra, p. [2]. The Building Code of Australia is available from <https://ncc.abcb.gov.au/> subject to registering with the site, but please see Queensland Building and Construction Commission, ‘Building Codes of Australia (BCA) Classes of buildings’ for a summary of the Code, viewed 14 August 2021, available at: <https://www.qbcc.qld.gov.au/building-codes-australia-bca-classes-buildings>

with them. You do not have any record of having ever paid rent, so you have no standing if it goes to a tribunal. We know that boarding and rooming house operators in other states have access to people's bank accounts via direct debit, and there has been a clause in other agreements where they have reserved the right to take random amounts of money out of accounts.⁹³

4.24 He told us that boarding houses could be acceptable accommodation if 'it was a genuine option, people had choice, it was regulated, licensed, subject to fire inspections and potentially official visitors, and we knew where it was and who was in it'. He said, however, that he was 'reluctant to agree that people exercise choice to live in boarding and rooming houses', particularly in high-cost cities such as Canberra.⁹⁴

4.25 Similarly, Andrew Rowe told us that the people supported by Havelock House did not have much choice about housing, and that that was why they needed that support. He told us:

Those people do not have any other choice, and putting them into public housing—high-density, single-unit blocks with no support—is not a recipe for success. We need to be careful about what we are talking about here.⁹⁵

4.26 He was concerned at the risk that the Draft Variation would result in 'even further' restrictions on choice for people in that situation because it could open up a private boarding house sector in Canberra while disadvantaging the community housing providers set up to support them.⁹⁶

4.27 Travis Gilbert also spoke about the differences between private and community housing providers of boarding houses. He told us that an important benefit of community housing providers delivering boarding houses, was that they had a 'rent-setting model' that would be calculated either as a proportion of income or as less than 75 per cent of market rent. Private providers had no such affordability mechanism because their purpose was to generate income. The rent-setting model used by community housing providers furnished 'a further layer of protection', against the kinds of exploitation seen in boarding houses in other jurisdictions, where 'people go in at one level of rent', but over time it was progressively increased, leaving them without any power to resist or negotiate.⁹⁷

4.28 As had other witnesses, Dr Emma Campbell expressed concern about the use of the word 'choice' in the context of debate on boarding houses, or indeed co-housing:

⁹³ Mr Travis Gilbert, *Proof Transcript of Evidence*, 15 July 2021, p.27.

⁹⁴ Mr Travis Gilbert, *Proof Transcript*, 15 July 2021, p.27.

⁹⁵ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.27.

⁹⁶ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.27.

⁹⁷ Mr Travis Gilbert, *Proof Transcript of Evidence*, 15 July 2021, p.29.

We think that the issue of housing choice in the ACT is a secondary issue to the massive lack of housing in the ACT. We are worried that this draft variation will indicate that boarding houses are somehow a way of solving the issues faced by people on low incomes who are struggling to find appropriate accommodation; yet there are huge risks around boarding houses, particularly if they are unregulated.⁹⁸

- 4.29 She told us that in the ACT there was a shortfall of 3,000 social housing dwellings, that there were 1,600 people experiencing homelessness, and that the best option was to ‘empower our community housing providers to deliver the 600, as a minimum, affordable rentals that [were] promised in the parliamentary and governing agreement’.⁹⁹
- 4.30 Regarding boarding houses in particular, she told us that the Territory needed ‘more houses and we need more social houses’. There were families to accommodate and boarding houses would not support them. She doubted whether people at the hearing would want to live in boarding houses, and told us that the Territory had an obligation ‘to provide, for low income individuals and families, appropriate housing’, rather than ‘the cheapest form of housing that we can manage’.¹⁰⁰
- 4.31 When we asked what she meant by ‘appropriate housing’, she told us that it was housing:
- which did not entail people living in overcrowded conditions;
 - which met the aspirations of the individuals who are living in that housing;
 - which was not unsafe, as some public housing currently was;
 - was located near essential services and transportation; and which
 - did not create risks for the ‘highly vulnerable’ and ‘people with highly complex situations’ who were often those who needed public and social housing.¹⁰¹
- 4.32 She told us that ACTCOSS was asking for the ACT government to deliver the housing strategy; that is, ‘15 per cent of land release to be not just released for, but to actually be realised as, affordable public and community housing’, and for it to support community housing providers by making accessible land available for them to build on.¹⁰²
- 4.33 Andrew Rowe told of his frustration with discussions with the ACT Government about housing, in which he was asked such things as whether build-to-rent would go some way to meeting the

⁹⁸ Dr Emma Campbell, *Proof Transcript of Evidence*, 15 July 2021, p.23.

⁹⁹ Dr Emma Campbell, *Proof Transcript of Evidence*, 15 July 2021, p.23.

¹⁰⁰ Dr Emma Campbell, *Proof Transcript of Evidence*, 15 July 2021, p.24.

¹⁰¹ Dr Emma Campbell, *Proof Transcript of Evidence*, 15 July 2021, p.24.

¹⁰² Dr Emma Campbell, *Proof Transcript of Evidence*, 15 July 2021, p.28.

contemporary shortfall in housing. He told us that such proposals would make ‘a marginal impact’: the central fact was that there was a shortfall of 3,000 dwellings, and that if the picture was expanded to take in the number of households living in housing stress, and where more than 50 per cent of income goes to maintaining accommodation, the true shortfall in dwellings in the Territory was likely to be in excess of ‘10,000 to 15,000’:¹⁰³

The situation is so dire that tinkering around the edges with things that might help a little bit is not enough. We need to have a policy environment which has a much higher impact and changes things much more quickly and more purposefully than just tinkering around the edges ...¹⁰⁴

REGULATION

4.34 We considered the question of whether boarding houses were inherently a problem, or whether they could be acceptable if regulated effectively.

4.35 Andrew Rowe told us:

Where you move regarding the regulation of the operation of boarding houses, how they are applied, who they serve and who runs them are really important. It is not that the notion of congregated living—which is a term that I prefer—configuration is good or bad; it can be both. It suits certain contexts and certain communities of people but not others. How you regulate it is absolutely important.¹⁰⁵

4.36 He went on to speak about the work of Havelock Housing. This recalled evidence considered above in which he described Havelock Housing as providing something like boarding house accommodation,¹⁰⁶ and made it plain that he was not speaking about the private boarding house service provision model:

Havelock Housing has chosen to serve those people who are on the lowest income and with high and complex support needs who need a lot of support and are not well supported by the health services and other community services in the ACT. It is incredibly difficult for us to meet the demand.¹⁰⁷

4.37 He told us that a further opportunity for boarding houses, under the terms of the Draft Variation, was a possible solution. However, he was concerned if there was not ‘an overlaying

¹⁰³ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, pp.28-29.

¹⁰⁴ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, pp.28-29.

¹⁰⁵ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.28.

¹⁰⁶ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.22.

¹⁰⁷ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.28.

or supplementary regulation of some sort that controls how that is applied’ and that there was assurance that these opportunities were able to be taken up by Havelock House.¹⁰⁸

- 4.38 ACTCOSS, on the other hand, in its submission, understood ‘boarding houses’ to be traditional private-operated boarding houses. It told us that it had ‘reservations’ about change which implied that the expansion of the boarding house sector in Canberra is desirable ‘without first undertaking significant policy and regulatory work to protect rights of vulnerable people who have been the traditional residents of boarding houses, such as people with disability’. It told us that boarding houses often had shared facilities and more than one person to a room, and that ‘thorough policy development’ should be undertaken in the ACT to support vulnerable people to ‘live safely and with dignity’. A good starting point, it told us, would be to examine regulation and its effectiveness in other jurisdictions.¹⁰⁹
- 4.39 This was all the more important, ACTCOSS told us, because while other jurisdictions had attempted to regulate boarding houses, the ACT did not have ‘a baseline of minimal regulation’ — such as a Boarding House Act and a publicly-available list of registerable boarding houses — as was the case in NSW.¹¹⁰
- 4.40 In contrast, ACTCOSS told us, in the ACT the Government had not detailed plans to: publicly list or accredit providers; provide for mandatory inspections; regulate providers; and ‘establish arrangements which subject any new private boarding houses to high levels of scrutiny including official visitors and fire inspection requirements’. It also failed to establish tenancy rights for boarding house occupants, put in place measures to ensure boarding house tenants were aware of their rights, or to enhance advocacy on behalf residents of boarding houses.¹¹¹
- 4.41 While calling on the ACT Government to provide appropriate regulation for boarding houses in the ACT, particularly if this sector were to be expanded by the Draft Variation, ACTCOSS also noted continuing regulatory failures in other jurisdictions. In particular it noted that for Assisted Boarding Houses in NSW regulations had ‘failed to protect vulnerable people over time’, and that this had ‘required governments to become involved in work to devolve people from boarding houses’ altogether.¹¹²
- 4.42 Consistent with this, Craig Wallace, Policy Manager with ACTCOSS, told us in hearings that, particularly in New South Wales, there had been ‘some spectacular examples’ of ‘bullying, coercion, inappropriate tenancy management—a whole host of issues which have made those

¹⁰⁸ Mr Andrew Rowe, *Proof Transcript of Evidence*, 15 July 2021, p.28.

¹⁰⁹ Submission No 3, ACTCOSS, p.2.

¹¹⁰ Submission No 3, ACTCOSS, p.4.

¹¹¹ Submission No 3, ACTCOSS, p.4.

¹¹² Submission No 3, ACTCOSS, p.4, and see Mr Craig Wallace, *Proof Transcript of Evidence*, 15 July 2021, p.25.

places dysfunctional, prone to violence and ... extreme deprivation'. Multiple inquiries, including the present Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, had shown that these were particular problems for people with disability.¹¹³

- 4.43 The ACTCOSS submission went into this in greater detail. It said that while there was a range of people who were vulnerable when living in boarding houses, there were particular risks for people with disabilities. A submission to the review of the NSW Boarding House ACT by People with Disability Australia had said that boarding houses, even when regulated, represented a form of 'congregate housing' which did not 'promote or deliver on the right of people to live independently and participate in the community', which was a right under the Convention on the Rights of Persons with Disabilities, provided under Article 19 of the Convention. ACTCOSS said that other research and inquiries had also shown that people with disability living in congregate forms of housing were 'more likely to be exposed to violence, abuse, neglect and exploitation', in contravention of Article 12 of the Convention.¹¹⁴
- 4.44 ACTCOSS said that it would be concerned if boarding houses – 'where housing, disability supports and other amenities like food service [were] linked' – were to become 'an assisted disability housing option or part of the Specialist Disability Accommodation market in the ACT via the National Disability Insurance Scheme (NDIS)', and said that further work in this area required 'consultation with disability representative organisations'.¹¹⁵

FINANCIAL ASPECTS

- 4.45 Alan Morschel spoke to us about the financial challenges facing community housing providers wishing to create new boarding-house style accommodation. He told us that the reduction of boarding house sizes from that originally proposed in the draft was positive because a ten-bedroom boarding house was 'a big organisational arrangement' and to find land of that size and purchase it at current prices was going to be 'extremely difficult'.¹¹⁶
- 4.46 Noting that these were primarily charity organisations, finding the money first to buy the land, then pay the architect, builders et cetera, and manage and run the premises after that was, he thought, 'an extremely difficult course to embark on'. He suggested that they should be given

¹¹³ Mr Craig Wallace, *Proof Transcript of Evidence*, 15 July 2021, p.24.

¹¹⁴ Submission No 3, ACTCOSS, p.3.

¹¹⁵ Submission No 3, ACTCOSS, p.4.

¹¹⁶ Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, p.11.

all possible assistance by government, although the reduction in the potential size of boarding houses under the Draft Variation in RZ1 would help to some extent.¹¹⁷

- 4.47 However, even under the current proposals there were big challenges for community housing operators, most particularly the current high cost of land. He told us that to buy a 700-square metre block now with an existing house on it, in many suburbs, would cost at least an average of \$800,000 — and in some suburbs \$1 million — and that this was ‘a lot of money to spend before you ever even get started’.¹¹⁸
- 4.48 He told us that while the cost of housing was driven by current market values, Canberra was ‘still very generous in its open spaces’. This was enjoyed as one of the defining characteristics of Canberra but, he said, there was land available defined as open space or unused land which could be cost effectively made available for those wanting to support affordable housing. He told us that a number of institutions he had worked for as an architect were ‘desperate’ to support this, and that much of the land owned by churches in Canberra was significantly under-utilised. He had been involved in a project where a church gave up ‘a fair slice’ of land for some affordable housing, which now ‘works very well’ for disability housing. The question, he told us, was how best to encourage this approach for churches and similar institutions with vacant land for which they had little in the way of future plans.¹¹⁹
- 4.49 Another approach, which he considered ‘extremely controversial’, was to take ‘slices or slivers’ of public land: this would not involve taking a sports oval, for example, for housing, but there were ovals with lots of land around them, some of which could be taken and used for a boarding house, thus saving ‘a million dollars’ on the cost of that boarding house if the government were to provide that land for a lower cost. He thought such options should be considered because it was necessary to ‘start thinking for the future of this city’ in light of its rising population.¹²⁰

DESIGN ASPECTS

- 4.50 We considered the role of design in debate about boarding houses and other forms of higher density development.
- 4.51 Rolf Fenner, President of the ACT Division of the Planning Institute of Australia, told us that quality design was ‘the missing challenge’ in these debates. He told us that explorations of

¹¹⁷ Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, p.12.

¹¹⁸ Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, pp.12-13.

¹¹⁹ Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, p.19.

¹²⁰ Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, p.19.

higher density development had only talked about density, without sufficient attention to quality, and as a result local communities had been ‘scared’ by these proposals, leading them to keep ‘whatever is existing’ and this, particularly in light of the current cost of housing, had led people, particularly in RZ zones, to fight for ‘their financial asset rather than what is actually good for the population at large’.¹²¹

4.52 He told us that there were indeed opportunities to expand types of uses in RZ1 areas, but there needed to be a quality design element to this approach, so that it was not just about definitions of boarding houses, or indeed co-housing, but also their physical design and how those uses were managed.¹²²

4.53 Design, he told us, was something ‘we have not done well’. People in Canberra who showed antagonism to potential change in RZ1 areas were ‘not bad people’, they were simply protecting their main financial asset and were scared to see ‘poor types of development coming in’, that is: not ‘poor people’, but ‘poor types of development’.¹²³ He told us:

Unless the Territory Plan variation goes through with additional resources for upskilling the development assessment teams in EPSDD or producing documents to reinforce what good urban design is—and this is the danger with demonstration projects—if those demonstration projects are not first class, there is a real danger that that will intensify people’s opposition to any kind of change. The intent was good, but if you get it wrong, it will make it even more difficult to introduce changes in the RZ1 areas.¹²⁴

4.54 He contrasted this with the experience overseas, in Barcelona, Vienna, Zurich or London, which showed ‘what quality urban design is’. This was all the more significant because these places showed very high levels of population density.¹²⁵

4.55 However, he told us, in the wider picture, he thought we were ‘kidding ourselves’, in that ‘changing ... housing opportunities ... in an RZ zone are not going to solve the crisis’. Current problems with housing affordability were a ‘demand-driven crisis’, and given present interest rates and tax benefits for investors in housing, there were many other regulations and policies which should be considered, including those beyond the responsibility of the ACT government.¹²⁶

¹²¹ Mr Rolf Fenner, *Proof Transcript of Evidence*, 15 July 2021, p.13.

¹²² Mr Rolf Fenner, *Proof Transcript of Evidence*, 15 July 2021, pp.13-14.

¹²³ Mr Rolf Fenner, *Proof Transcript of Evidence*, 15 July 2021, p.15.

¹²⁴ Mr Rolf Fenner, *Proof Transcript of Evidence*, 15 July 2021, p.15.

¹²⁵ Mr Rolf Fenner, *Proof Transcript of Evidence*, 15 July 2021, pp.15-16.

¹²⁶ Mr Rolf Fenner, *Proof Transcript of Evidence*, 15 July 2021, p.15.

- 4.56 Robyn Coghlan, Secretary of Friends of Hawker Village, also spoke to us about design considerations. She told us that when other uses were considered for blocks in residential areas, special features of the block were not always taken into consideration in determining whether it was suitable for the proposed development.¹²⁷
- 4.57 This, she told us, led to problems because redeveloping blocks originally designed as single housing blocks often did not lead to a good result outcome when attempting to increase density in an area. A good example, she told us, lay in the contrast between higher density developments in Hawker and Weetangera. When Hawker was developed, townhouses were fashionable, and a third of Hawker was given over to townhouses, all ‘very nice areas’ without any problems.¹²⁸
- 4.58 Weetangera, on the other hand, did not have townhouse development from the beginning because it was an older suburb. It now had a large RZ2 area in which townhouses were being built, but because they were built on individual blocks or several blocks joined together, it did not work as well or have the same ‘appeal and landscape value’ as the planned townhouses in Hawker, or other suburbs such as Page and Scullin.¹²⁹
- 4.59 She told us that a further concern about densification was the loss of green space in RZ2 areas. She told us that in higher density land uses there was often no ‘usable, practical space’ around buildings for green space and trees that would offset the heat island effect, and this was a particular concern in the context of climate change. Higher density developments in RZ2 areas tended to concrete over land and to avoid adding ‘any kind of vegetation’ because someone had to maintain it, and was viewed as not practicable in the smaller spaces that were available. She told us that Friends of Hawker Village believed that little thought had been given to this. If we needed to densify, there should still be green space around every building to counteract heat island effects: however, at present suburbs where densification was occurring were getting hotter.¹³⁰
- 4.60 With this in mind we asked Alan Morschel, as an architect, whether redeveloping single or aggregated single blocks could be an effective way to achieve higher densities. He agreed that the small-scale operations allowed under RZ2 policy had often led to a lower standard of architectural character and quality of design. He told us that higher density development had worked better under the administration of the NCDC (National Capital Development Commission), when ‘it was not called RZ2’ and development maps displayed areas indicated by the NCDC as places for higher density development. RZ2 had been introduced subsequently in

¹²⁷ Ms Robyn Coghlan, *Proof Transcript of Evidence*, 15 July 2021, p.16.

¹²⁸ Ms Robyn Coghlan, *Proof Transcript of Evidence*, 15 July 2021, p.16.

¹²⁹ Ms Robyn Coghlan, *Proof Transcript of Evidence*, 15 July 2021, p.18.

¹³⁰ Ms Robyn Coghlan, *Proof Transcript of Evidence*, 15 July 2021, p.20.

an attempt to increase density: the ACT Government had announced its policy that Canberra should stay within its boundaries and absorb population growth within the current envelope, and RZ2 was a means to that end. He told us that in view of this the current review of the Territory Plan should look at the success or failure of all RZ categories and determine whether or not they had been effective.¹³¹

4.61 In practice, he told us, distinctions between RZ1 and RZ2 had been made using ‘a pretty crude method’ as it was not done ‘block by block’, but was determined in a context of ‘neighbourhood development’ by assessing the distance from the nearest shopping centre — whether a kilometre or half a kilometre — drawing a circle on the map, and properties within the circle were categorised accordingly. In summary, he agreed that the approach to categorising property into RZ zones needed to be done in a more nuanced way than this process had been able to achieve.¹³²

4.62 Colin Lyons, Convenor of Friends of Hawker Village, also commented on the reaction of property owners who resisted planning changes for RZ1 areas. He told us that this was ‘a real concern that people have’. He thought the concern was misplaced if they thought the value of their property would go down. The changes proposed were more likely to increase land value. On the other hand, he told us, if they thought that quality of living would be reduced, this was ‘entirely understandable’, and in his view was in fact taking place.¹³³

¹³¹ Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, p.18.

¹³² Mr Alan Morschel, *Proof Transcript of Evidence*, 15 July 2021, p.18.

¹³³ Mr Colin Lyons, *Proof Transcript of Evidence*, 15 July 2021, p.17.

5 COMMITTEE COMMENT

- 5.1 We were concerned to find that the Minister and his officers had not given more thought to this Draft Variation. It became evident in the course of the inquiry that the Draft Variation had not provided clear definitions of co-housing and boarding houses, and that if put into effect in its current form it could give rise to unintended consequences.
- 5.2 It was also a matter of concern that the Recommended Draft Variation did not more closely reflect the outcomes of the Collaboration Hub upon which it was said to be based. Certainly, in our view there appears to be little in Recommendation 7 of the Collaboration Hub, quoted in the Draft Variation, which would provide any rationale for changing arrangements for boarding houses in the ACT.¹³⁴
- 5.3 We agree with the majority of contributors to the inquiry that grouping together of proposed planning changes for co-housing and boarding houses in the Draft Variation is not helpful, and that if new arrangements for boarding houses are put into effect there should be new regulation to go with them.

Recommendation 1

- 5.4 **The Committee recommends that the ACT Government should deal with any proposed planning changes for co-housing and boarding houses in separate Draft Variations.**

Recommendation 2

- 5.5 **The Committee recommends that the co-housing components of DV365 be withdrawn and Territory Plan amendments concerning co-housing be made following evaluation of the co-housing projects currently being progressed through the demonstration housing project, the Collaboration Hub, community consultation and existing informal co-housing models in Canberra.**

¹³⁴ Variation 365 – recommended version, December 2020, p.3. This is quoted in full at the start of Chapter 4 of the present report.

Recommendation 3

- 5.6 The Committee recommends that if the ACT Government review its regulatory and compliance regime for both private and community boarding houses in the ACT. This could be modelled on existing community boarding house regulation and should be designed to protect boarding house residents. It should include a system of licensing, inspection and registration and should be developed in consultation with the existing community housing sector.**

Recommendation 4

- 5.7 The Committee recommends that if the ACT Government retains co-housing in DV365, it consider:**
- **whether co-housing should be prohibited or permitted in RZ1 and if it is permitted, whether it should be limited to one per section and be subject to other limitations such as the Living Infrastructure policy;**
 - **using the original definition of co-housing distributed in the original consultation;**
 - **policy and options for unit title for co-housing; and**
 - **embedding a review of co-housing in five years' time.**

Jo Clay MLA
Chair
26 August 2021

Appendix A Witnesses

Hearings of 15 July 2021:

- Mr Chris Aitchison
- Dr Erin Brady, Acting Director-General, Environment, Planning and Sustainable Development Directorate
- Dr Emma Campbell, Chief Executive Officer, ACTCOSS
- Ms Robyn Coghlan, Secretary, Friends of Hawker Village
- Ms Julie Esdaile Bray, Co-housing Canberra
- Mr Rolf Fenner, President, ACT Division, Planning Institute of Australia
- Mr Mick Gentleman MLA, Minister for Planning and Land Management
- Mr Travis Gilbert, Chief Executive Officer, ACT Shelter
- Ms Alix Kaucz, Senior Director, Territory Plan Variation Unit, Environment, Planning and Sustainable Development Directorate
- Ms Caroline Le Couteur, Co-housing Canberra
- Mr Colin Lyons, Convenor, Friends of Hawker Village
- Mr Alan Morschel, Architect
- Mr Ian Ross
- Mr Andrew Rowe, Chief Executive Officer, Havelock Housing Association
- Ms Clare Wall, Committee Member, ACT Division, Planning Institute of Australia
- Mr Craig Wallace, Policy Manager, ACTCOSS

Appendix B Submissions

- Submission No 1 - Mrs Else and Mr Chris Aitchison
- Submission No 2 - Co-housing Canberra
- Submission No 3 - ACTCOSS
- Submission No 4 - Friends of Hawker Village
- Submission No 5 - Ms Caroline Le Couteur
- Submission No 6 - Mr Ian Ross
- Submission No 7 - Ms Julie Esdaile Bray
- Submission No 8 - ACT Shelter

2022

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Government Response to Standing Committee on Planning, Transport and City Services -
Report 4 - Inquiry into Draft Variation 365: Housing Choices - Co-Housing and Boarding Houses**

**Presented by
Mr Mick Gentleman MLA
Minister for Planning and Land Management
February 2022**

Introduction

The ACT Government thanks the Standing Committee for Planning, Transport and City Services (the Committee) for the recommendations put forward in Report No. 4 regarding Draft Variation No. 365 Housing Choices – Boarding Houses and Co-housing (DV365).

DV365 was prepared by the ACT Government to implement part of the Housing Choices project which was undertaken by the Environment, Planning and Sustainable Development Directorate (EPSDD). The project investigated whether the housing needs of the Canberra community are adequately understood, whether they are currently being met and how they can be better met in the future.

The first stage of the Housing Choices project was initiated with the release of a Discussion Paper in November 2017. The results of the community engagement from the Discussion paper were detailed in the Housing Choices Discussion Paper Community Engagement Report (May 2018).

The second stage of the Housing Choices project involved the creation of the Housing Choices Collaboration Hub. The Collaboration Hub was a group of 38 randomly selected individuals that represented a broad cross-section of the Canberra community.

The Collaboration Hub participants wrote the recommendations in their report of 28 July 2018.

The Minister for Planning and Land Management gave support in-principle to all the Collaboration Hub's recommendations contained in its report. That is, the Minister agreed to the ideas proposed in the recommendations, with further detailed work required by EPSDD and other agencies to determine the most appropriate way to deliver the desired outcome.

The ACT Government's response to each of the 13 recommendations is outlined in the ACT Housing Choices Collaboration Hub: Government Response (September 2018). This report is available at: <https://www.yoursay.act.gov.au/housing-choices>.

The Government's response includes a commitment that the Collaboration Hub's recommendations and other issues raised during consultation on the Housing Choices project will be considered and/or implemented through a variation to the Territory Plan and as part of the ACT Planning System Review and Reform project and other projects.

DV365 proposes to amend the Territory Plan to implement Recommendation 7 of the Housing Choices - Collaboration Hub Report as outlined below.

Theme 4 – Lifestyle and diversity – The current housing options driven by market do not provide flexibility for varying lifestyles in both physical space and possible procurement methods.

Recommendation 7 – For both infill* and new developments, government should require and/or incentivise developers to deliver an increase in:

1. *Mix of dwelling sizes and diversity of dwelling types.*
2. *The set proportion (%) of new dwellings that meet universal design standards: whilst taking into account different Precincts and changes over time.*

Other NOTES about Infill; this should allow:

- *For rules to kick in over time, as spaces/blocks are redeveloped with reference to Precinct Plans.*
- *For the mix and diversity for each area to be reviewed over time; not set and forget.*

Notes for Item 1. As examples for consideration/incorporation: single level age-in places, shop top living, build to rent, share housing, loft-style, courtyard, terrace house, mews and manor.

Notes for Item 2. Universal design is considered to be an adaptable house that is able to respond to changing lifestyle needs.

Rationale – Based on submissions/presentations by: Kate Auty, ACT Commissioner for Sustainability and Environment; Sue McGrath, The Benevolent Society; Clare Wall, Board of Community House Canberra; and Shane Garrett, Housing Industry Association.

DV365 introduces co-housing into all residential zones except for the RZ1 Suburban Zone. It also revises and updates the provisions for boarding houses in the ACT. These amendments are primarily intended to assist in increasing housing diversity and to respond to the changing needs and expectations of the Canberra community.

DV365 was released for public comment between 17 January 2020 and 6 March 2020. A total of 36 written submissions were received. Most of the submissions expressed an interest in increasing housing choices across the residential zones and relaxing provisions to increase viability of boarding houses and co-housing. However, some submissions called for greater limitations and control of boarding houses and co-houses particularly in the Residential RZ1 Suburban and the Residential RZ2 Suburban Core Zones.

Changes were made to the DV365 in response to the issues raised in the public submissions. However, the overall policy intent of the draft variation was retained. The revised recommended version of DV365 was referred to the Committee on 1 March 2021.

On 11 March 2021, the Committee agreed to conduct an inquiry into DV365. The Committee received eight public submissions and held one public hearing on 15 July 2021

during the course of its inquiry. The inquiry culminated in the Committee Report No. 4 (the Report) in August 2021. The Report recommendations are outlined below.

Recommendations

No.	Recommendations
Recommendation 1	The Committee recommends that the ACT Government should deal with any proposed planning changes for co-housing and boarding houses in separate Draft Variations.
Recommendation 2	The Committee recommends that the co-housing components of DV365 be withdrawn and Territory Plan amendments concerning co-housing be made following evaluation of the co-housing projects currently being progressed through the demonstration housing project, the Collaboration Hub, community consultation and existing informal co-housing models in Canberra.
Recommendation 3	The Committee recommends that if the ACT Government review its regulatory and compliance regime for both private and community boarding houses in the ACT. This could be modelled on existing community boarding house regulation and should be designed to protect boarding house residents. It should include a system of licensing, inspection and registration and should be developed in consultation with the existing community housing sector.
Recommendation 4	The Committee recommends that if the ACT Government retains co-housing in DV365, it consider: <ul style="list-style-type: none">• whether co-housing should be prohibited or permitted in RZ1 and if it is permitted, whether it should be limited to one per section and be subject to other limitations such as the Living Infrastructure policy;• using the original definition of co-housing distributed in the original consultation;• policy and options for unit title for co-housing; and• embedding a review of co-housing in five years' time.

Government Response to the Standing Committee on Planning for Planning, Transport and City Services No. 4 – Draft Variation to the Territory Plan No. 365 Housing Choices – Boarding Houses and Co-housing

Recommendation 1

The Committee recommends that the ACT Government should deal with any proposed planning changes for co-housing and boarding houses in separate Draft Variations.

Response

NOTED BUT DISAGREE

The ACT Government does not agree with Recommendation 1 to separate DV365 into two draft Territory Plan variations. The proposed Territory Plan amendments for boarding house and co-housing were incorporated into one draft variation DV365 because they both came out of the Housing Choices Collaboration Hub - Recommendation number 7.

Notwithstanding this, it is acknowledged that the planning policies for boarding houses and for co-housing are different and have distinct planning considerations. For future draft Territory Plan variations, consideration will be given to separating amendments for different planning matters into different draft Territory Plan variations.

In terms of DV365, the recommendation to separate the boarding house and co-housing amendments into two draft variations does not change the policy outcomes sought in the original DV365 or in the Report. At this stage in the planning process, separating the proposed amendments will essentially be an administrative process. However, the *Planning and Development Act 2007* (the Act) does not provide scope for draft variations to be split into multiple variations. The recommendation, if agreed, would require removal of the co-housing provisions from DV365 and for a new draft variation to be prepared for the co-housing provisions.

Recommendation 2

The Committee recommends that the co-housing components of DV365 be withdrawn and Territory Plan amendments concerning co-housing be made following evaluation of the co-housing projects currently being progressed through the demonstration housing project, the Collaboration Hub, community consultation and existing informal co-housing models in Canberra.

Response

NOTED

DV365 seeks to introduce co-housing as a new type of housing in the higher density residential zones. This is in response to the recommendations of the Collaboration Hub as

well as community discussions on co-housing (including comments on existing co-housing models in Canberra) during the housing choices project.

Consistent with the Committee recommendation, it is appropriate to consider the outcomes of the demonstration housing proposal contained in DV376, prior to making a decision about whether co-housing is suitable in all residential zones and not just in RZ2, RZ3, RZ4 and RZ5. The DV376 demonstration housing proposal seeks to maintain high residential amenity, slightly increasing residential density, consistent with garden city principles, while maintaining character and amenity of the RZ1 zone. In this regard, an evaluation of the demonstration housing development will inform future ACT housing policy, including co-housing.

However, it is equally as important to review the outcomes of co-housing development proposals in the RZ2 to RZ5 zones that will be permitted with DV365. DV376 responds to a specific co-housing proposal on an RZ1 block in Ainslie. Conversely, DV365 will enable a range of co-housing interpretations that comply with the Territory Plan definitions and provisions. These will test the appropriateness and workability of the Territory Plan requirements prior to introducing co-housing in the RZ1 zone (where it is anticipated the take-up of this housing option will be significantly greater).

Notwithstanding the above, the comments in the Report about co-housing are noted. Of note are the comments about the limitations on block sizes for co-housing and the various applicable provisions of Element 3 of the Multi Unit Housing Development Code and Element 1 of the Single Dwelling Housing Development Code.

Accordingly, the Minister for Planning and Land Management will direct the Environment, Planning and Sustainable Development Directorate to review and revise the code provisions applying to co-housing. A key consideration will be to remove any unnecessary limitations on co-housing developments in the RZ2, RZ3, RZ4 and RZ5 residential zones of the Territory Plan to enable the additional housing type to be fully utilised.

Recommendation 3

The Committee recommends that if the ACT Government review its regulatory and compliance regime for both private and community boarding houses in the ACT. This could be modelled on existing community boarding house regulation and should be designed to protect boarding house residents. It should include a system of licensing, inspection and registration and should be developed in consultation with the existing community housing sector.

Response

NOTED

This is a matter to be dealt with outside the Territory Plan and DV365 as it relates specifically to management of the property rather than to the built form. However, the

concerns about unscrupulous management of boarding houses in other jurisdictions have been noted.

The Territory Plan currently permits boarding houses in residential zones however to date the uptake of boarding houses by the private sector has been very low in the ACT. The ACT Government notes that existing boarding houses in the ACT (in both the private and community sectors) are already subject to the *Residential Tenancies Act 1997* and must operate under either residential tenancy or occupancy agreements. These legal arrangements already prohibit many of the unscrupulous management behaviours referred to in the Report.

Should issues arise with the regulatory process for private and/or community boarding house developments, the Justice and Community Safety Directorate will consider the matter accordingly.

Recommendation 4

The Committee recommends that if the ACT Government retains co-housing in DV365, it consider:

- **whether co-housing should be prohibited or permitted in RZ1 and if it is permitted, whether it should be limited to one per section and be subject to other limitations such as the Living Infrastructure policy;**
- **using the original definition of co-housing distributed in the original consultation;**
- **policy and options for unit title for co-housing; and**
- **embedding a review of co-housing in five years' time.**

Response

AGREED IN PRINCIPLE

During the development of DV365 consideration was given to whether co-housing should be permitted in the RZ1 Suburban Zone and if it were, what provisions would be appropriate to apply to such development. This process also took into consideration community feedback from the housing choices project.

As co-housing is a new type of development in the ACT planning system, it was considered appropriate to prohibit co-housing in the RZ1 zone. It was also considered appropriate that a review of the demonstration housing proposal contained in DV376, as well as any co-housing developments resulting from DV365, should inform any future decisions about extending co-housing into RZ1 zone consistent with the objectives of this zone.

Notwithstanding the above, the following information is provided in response to four dot points in the Committee recommendation number 4:

- Co-housing in the Residential RZ1 Suburban Zone and living infrastructure:

- If and when consideration is given to allowing co-housing in the residential RZ1 Suburban Zone, then appropriate locational and site requirements will be prepared to guide such development.
- Living infrastructure requirements are currently being implemented through a separate draft variation to the Territory Plan (DV369) for all residential zones. For this reason, living infrastructure does not need to be considered separately for co-housing.
- The definition of co-housing in DV365: It is not clear what ‘original’ definition of co-housing is being referred to in the Report. The same definition of co-housing was included in both the draft variation DV365 for public notification and the recommended version of DV365 that was considered by the Committee. No changes have been made to the definition of co-housing.

There are a number of different definitions of co-housing used by groups around the world. Often the definition relates to the management and cooperative arrangements for co-housing groups and proponents. The definition of co-housing proposed in DV365 relates to co-housing as a type of development and does not specify a management arrangement. Therefore this aspect of a co-housing development will be at the discretion of the proponents.

- Unit titling of co-housing - Unit titling of co-housing is specifically permitted under DV365 under proposed rule R32D. It is noted that there were differing views in the submissions to the Committee about unit titling of co-housing. While unit titling is permitted through a mandatory rule of the Territory Plan, it is not mandatory for a co-housing development to be unit titled. This means that the co-housing development can have the ownership arrangement preferred by the owners and does not have to include unit titling if they do not wish to.
- Review of co-housing in five years time – It is not considered necessary to embed a review of co-housing in five years time, nor is it considered appropriate to include such a requirement into the Territory Plan. Planning policies are reviewed from time to time and it would be more appropriate to undertake a review of co-housing when the policies applying to development in residential areas are reviewed.