



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

**STANDING COMMITTEE ON PLANNING, TRANSPORT
AND CITY SERVICES**

(Reference: [Inquiry into draft variation 365:
Housing Choices – Co-Housing and Boarding House](#))

Members:

**MS J CLAY (Chair)
MS S ORR (Deputy Chair)
MR M PARTON**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 15 JULY 2021

**Secretary to the committee:
Dr B Lloyd (Ph: 620 50137)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 9.02 am.

GENTLEMAN, MR MICK, Manager of Government Business, Minister for Corrections, Minister for Industrial Relations and Workplace Safety, Minister for Planning and Land Management and Minister for Police and Emergency Services

KAUCZ, MS ALIX, Senior Director, Territory Plan Variation Unit, Environment, Planning and Sustainable Development Directorate

BRADY, DR ERIN, Acting Director-General, Environment, Planning and Sustainable Development Directorate

THE CHAIR: Welcome to the public hearings of the committee's inquiry into DV365 on housing choices: co-housing and boarding house. Today we will be hearing from the Minister, Mick Gentleman, and his officers and then we will have a series of panel sessions from witnesses, from organisations and from the community.

This part of the hearing will be in three separate sessions, just so we all know how it is running. From now until 9.30 we are hearing from the minister. From 9.30 until 10.10 we will be looking at zoning and other matters and we will be hearing from the Planning Institute of Australia, from an architect Mr Alan Morschel, and from the Friends of Hawker Village. From 10.10 until 10.50 we will focus on boarding houses and other matters and we will be hearing from ACTCOSS, from ACT Shelter and from Havelock House. Then from 10.50 until 11.30 we will be looking at co-housing and other matters and we will be talking to Co-housing Canberra and Mr Chris Aitchison.

Please indicate that you have read and understood the privilege statement that has been forwarded to you. The hearings will be recorded and transcribed and witnesses will all receive a proof of the transcript for comment, and if anyone takes a question on notice if you could please provide the answers within five days of our secretary giving you the uncorrected proof of transcript, that would be very, very helpful.

With that, we will start our hearings and we will dispense with statements. We will go straight to questions if that is okay, in the interest of time. I might start off. We have seen two iterations of this draft variation and we have had a lot of submissions from this process, which is really good to see.

There are a lot of comments that not allowing co-housing in RZ1 is a bit of a problem, given that RZ1 is 80 per cent of our housing stock, and there are also comments that we have restricted boarding houses in RZ1 to a certain artificial limit of four bedrooms and that that might also be limiting the goal of flexibility and affordable housing. Have you got a comment on that?

Mr Gentleman: We really do want to see some flexibility in the majority of the ACT. We want to provide housing choices for Canberrans now and into the future as well. This gives us an opportunity to do that. As you have said, there are some restrictions in the Territory Plan in regard to boarding houses and those styles and, of course, we do not want to be inconsistent with the ACT planning system; but the variation would give us that ability to have a look at that in this regard. We cannot be inconsistent, of course, with the National Capital Plan as well.

I think this process will give us an idea what the Canberra community would like to see and in regard to the specifics about what is allowed in the Territory Plan. I might go to our directorate officials. Alix, would you like to comment on the size of different—

THE CHAIR: Size of boarding houses but also why co-housing is prohibited in RZ1.

Ms Kaucz: Because co-housing is a new type of development that we do not already have in the ACT, we were wanting to see how it worked and then look at it in the RZ2, 3, 4 and 5 zones first and then consider in the future for the RZ1 zone.

THE CHAIR: We do have some co-housing type models. We have got Wybalena Grove and we have got Havelock Housing. I do not know if they do not meet the definitions, but we do have some. We do not have a lot of co-housing in Canberra but we do have some.

Ms Kaucz: Yes. They were developed under previous planning controls, the NCDC planning rules. The current Territory Plan would not necessarily allow that type of development, although if you had a multi-unit development, you would have a form like that but not for a normal RZ2, 3, 4 block.

THE CHAIR: Has government at this stage made a conscious decision that we do not want to have housing in RZ1? Is that what has happened or is there—

Mr Gentleman: No, that has been part of the development of the Territory Plan as it stands at the moment. As Alix said previously, under NCDC conditions you are allowed to do some different sorts of developments. Of course, the Territory Plan started its work way back in 2000, I think. Garden City variation happened in about 2003. You have seen the Territory Plan actually get more restrictive along the way and that is just what has occurred here.

MR PARTON: I think the Chair is trying to ascertain whether the restriction on this form of housing in RZ1 is, as you almost alluded to, basically to flesh out how this works in RZ2, 3, 4, with the potential to add it down the track to RZ1. Is that—

THE CHAIR: Probably, yes. Has this been locked off? Are you in development at the moment? What is the actual reason that we have made this strong decision that yes, boarding houses are fine in RZ1 but co-housing is absolutely not?

Ms Kaucz: As I mentioned, it is a new type of housing, just to test it out first and then we will look in the future at whether or not it is in RZ1, as a later variation to the Territory Plan.

MR PARTON: It appears as though it was difficult to arrive at an actual definition of what co-housing is. On occasions, the definition seems inconsistent. I do not know whether I should be going to you, minister, on that. How difficult was it to arrive at a definition of “this is the box that co-housing fits in”?

Mr Gentleman: It has been a long, drawn-out process that sits within the Territory

Plan. Those definitions sit within that. It has developed, as I said, over quite a period to form that definition of what is allowed and what is not allowed; and this variation, of course, means that we have an opportunity to test Canberra's appetite for some change.

MR PARTON: Do you see it as potentially a crossroads in terms of that appetite for change and the development of a different housing model for a different cohort?

Mr Gentleman: I do not think it is a crossroads. This has been in train for quite some time. I think we started looking at this in 2004 and then, of course, we went through the collaboration hub and this is a result of recommendations from that Collaboration Hub. So it has taken quite a while.

THE CHAIR: When you say "as a result of recommendations from the Collaboration Hub", most of the submissions we have had—and obviously on planning there are always opposite views on every planning decision—agree that boarding houses and co-housing are different; there are more risks and problems with boarding houses and maybe a greater need for limitation regulation—and we will get to that later—and that co-housing is a really good, affordable, flexible model. I know you say that we do not have any experience, but we do have some, not much. We do actually have some of these things already.

I still cannot quite understand, if the submissions all said co-housing is really interesting, affordable housing, why we did not allow it in some limited form in our RZ1 or consider that, given that most of the community submissions were quite positive about co-housing and much less positive about boarding houses. Why would you allow boarding houses in RZ1 but not co-housing?

Ms Kaucz: Boarding houses are currently allowed in RZ1 in the Territory Plan. The consultation version of draft variation 365 looked at prohibiting it in RZ1 and then, following the submissions that we got, we re-introduced it into RZ1 but with a limit of the size, just because of the concern of the scale of a boarding house that was possible in the RZ1 zone. So it is currently allowed but, obviously, co-housing, with that definition, is not a definition currently in the Territory Plan.

MR PARTON: The draft variation does not seem to take into account the fact that there are a couple of different kinds of boarding houses, that you have got your class 1B and your class 3 boarding houses, based on scale. From my reading of the draft variation, it does not seem to address the fact that boarding houses are vastly different. I do not know. That gives me a little concern, minister, in that I just do not think that boarding houses, as we have seen—the ones that are in operation in the ACT—are a cookie-cutter model; they come in all different shapes and sizes. I am worried that there are some potential boarding house operations that will not proceed because of this change. Do you have any reflection on that, minister?

Mr Gentleman: It may well be the case. We will certainly see what the public's appetite is for this change and then make decisions after that. But we need to test and see what the Canberra community thinks of that.

THE CHAIR: Is there a schedule on that? Do you have in your head what time frame

you would put on this draft variation being implemented and then coming back for the next review to see whether more changes might be made?

Mr Gentleman: There is the statutory process that we are going through at the moment. Your committee is doing, of course, the inquiry. Then you will do a report on that. We will respond to the report, the DV will be introduced, then we will see how the Canberra community feels about those changes and whether they accept the choices that would be made available under this DV and then go from there.

THE CHAIR: What I am trying to ascertain is: assuming this DV goes through in its current form and is implemented, would it then be one year, five years, 10 years or 20 years before government might come back to the issue of co-housing and boarding houses and think is it now time to expand, restrict, regulate? How long do you think it would be until you revisited this topic?

Mr Gentleman: I think we need to probably revisit it, if it is acceptable, as soon as possible. We have made a decision that future planning for the territory would be 70 per cent in our urban area and only 30 per cent greenfields. That means there needs to be a lot more opportunity for some density and a lot more choice for people in the future. This is what they said during the Collaboration Hub: we need to have more choice, and this is a test to see how that goes forward.

MR PARTON: One of the things that struck me when reading a number of the submissions—and I am referring to the ACT Shelter submission—is that our experience in the ACT is radically different to that of other Australian cities, granted that most of those Australian cities are larger than this one. We traditionally do not have a large number of people that are accessing accommodation in this form. Why is that? Why has not this form of accommodation been taken up?

Mr Gentleman: It is the history of planning in the territory. When I was born here in Canberra it was quite a small place; there were only 20,000 people; it did not spread much past the borders of the inner south and the inner north. We have been off course on Griffin's plan from there.

Then the NCDC took hold and did some of our satellite city work, which was well accepted, I think, by the Canberra community at the time. They did not mind commuting to Tuggeranong, as you and I do, Mr Parton. But there has been quite a change since then and some people would like to live closer to the inner city in denser areas, and this is why we are making these changes.

MR PARTON: I understand that it has come out of this big collaboration exercise but, in part, are we moving on this because of the rental crisis that is facing us now in the ACT?

Mr Gentleman: I think there are challenges right across housing, whether it is housing affordability, whether it is the opportunity for people to downsize, for example. There is quite a broad range of, I think, reasons that we need to make some change and allow choice for Canberrans.

MR PARTON: But, in pushing forward this draft variation, is the government, in part,

saying there are a number of people in the ACT who, for whatever reason, cannot get onto the private rental merry-go-round and, for reasons of number of dwellings, they cannot get into public housing, and this is potentially a way for them to reside in the ACT?

Mr Gentleman: No, this is in direct response to the Collaboration Hub recommendations and the government's response to that, where we had a wide variety of different people, some, of course, looking for different housing, who said we want to see some choice across the territory, and this variation is a direct response to that.

MR PARTON: Many of those who would choose to take up the option created by this draft variation would not actually have a great deal of choice, minister, would they? This would potentially be, economically, the only way that they could reside in the ACT?

Mr Gentleman: The whole idea of this is to provide choice. Whether you are looking in a particular area for this style of accommodation that we have discussed here today or whether you are looking at accommodation in denser areas along transport corridors, we need to provide more choice than we have at the moment, and that was a direct outcome from the Collaboration Hub. They said, "We want to see more choice in Canberra."

MR PARTON: But, minister, in other cities where this sort of accommodation is taken up, most of the people who were in it actually do not have a choice; this is their only choice? Economically, this is their only choice?

Mr Gentleman: 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.

THE CHAIR: We have had a few discussions in our community about some of the ways that people are using new business models and fixing problems. Airbnb is quite interesting and disruptive. This DV would allow small boarding houses in RZ1 and would prohibit co-housing in RZ1. But, of course, there are no regulation rules about Airbnb in any way at all. Do you think there is a risk that what this covers will be picked up by Airbnb or other business models and end up in an unregulated market for people to access housing that they want?

Ms Kaucz: I think Airbnb or models like that are more how you use the building or the structure, whereas what we are looking at with the Territory Plan is what you are able to create on the block, how it is being used. Currently we do not have the controls for Airbnb and the like, but it is something that will allow a new type of dwelling that we have heard that people are looking at, in particular, for co-housing. It is not share housing but it is not a multi-unit development. There is an element of co-housing and share facilities in it to sort of meet the desires of some members of the community.

Again, to clarify, boarding houses are currently permitted in RZ1. What we are doing is restricting it—

THE CHAIR: Limiting the size; yes, I understand.

Ms Kaucz: to consider the appropriateness of the size and the impact on the area.

THE CHAIR: This is obviously justified in the DV. Do you see any need for other government regulation for Airbnb and how that is used? We have a lot of submissions from people who were concerned about what happens to people in boarding houses, which obviously would not be done through this but would be done through government regulation—whether it would be tenancy agreements or official visitor schemes or anything like that. Have you seen that there is a need for a regulation to ensure housing affordability and protection of people that would complement anything that we are doing in our housing affordability and planning choices?

Dr Brady: I might answer that. I acknowledge the statement. When we looked at this variation, we have looked at, across our housing policy and the different regulations, unit title, the unit titling regulatory system, the building regulatory system, to understand how they all interact with each other. I think some of the unit titling we have found can lead to certain consequences around multi-unit dwellings being used in a different way to what was intended. Very much with this one, and with a lot of the work we do, we do look at how all the different regulatory systems interact to try and make sure that we are fulfilling the purpose for which we did things rather than creating unforeseen circumstances.

As the minister and Ms Kaucz have said, this is to try and provide another choice, another option, for housing and we are trying to be as careful as possible about making sure that the regulatory system that sits around it provides for that.

THE CHAIR: And we have limited the size of boarding houses, which would cover some issues, but do you think there is enough other regulatory protection for people who live in boarding houses or do you think there is a need for more regulatory protection such as official visitors, inspections, some kind of regulatory control over what is actually going on in those boxes, rather than simply the boxes? Is it sufficient?

Dr Brady: I probably cannot comment completely on that. That would be where we work with our colleagues in other directorates—for example, Community Services and ACT Housing, those sorts of organisations—to understand from them what are the other regulatory systems that need to be in place to support that and what are the other services that we need to have in place to make sure that it functions as a form of housing, the way that we want it to, to provide housing for certain people.

MR PARTON: The ACTCOSS submission states:

While other jurisdictions have made attempts to regulate boarding houses, the ACT does not have a baseline of minimal regulation, such as a Boarding House Act including a publicly available list of registerable boarding houses like that in NSW.

That is from the ACTCOSS submission. That ACTCOSS submission also goes into great detail about some of the extremely poor outcomes when it comes to boarding houses in these jurisdictions which do have regulation of boarding houses.

In the construction of this draft variation, obviously there was a fair bit of consultation and looking over the border into New South Wales and some of these other jurisdictions. Surely, minister, you must have some concerns about the worst possible case scenarios that could come out of this draft variation when you consider that we do not really have a baseline regulation on this sector?

Mr Gentleman: That is probably a matter for the committee to have a think about. You will receive all these submissions with different aspects of looking at controls for boarding houses in the ACT and other aspects that you will hear from those that are making the submissions. I look forward to the recommendations that you make from this committee hearing, to see whether we need to make any changes in those areas.

MR PARTON: Good answer, minister, I like it.

Mr Gentleman: I thought you would.

MR PARTON: The ACTCOSS submission goes on to suggest that they are concerned with gaps in tenant advocacy and they think they are extremely relevant in this context. In that particular submission, they call on the government to re-establish and fund an advocacy voice for tenants in the ACT when it comes to the creation of this. Obviously we have had boarding houses. With this draft variation, we are moving in a different direction. I think that that call has some merit, minister.

Mr Gentleman: I will be looking forward to your recommendation, Mr Parton.

MR PARTON: All right.

Mr Gentleman: Certainly, ACTCOSS do a fantastic job, there is no doubt about that, looking after people that live in those situations and also looking after, perhaps, the more needy in our community as well. We certainly take on board the comments that they make.

MR PARTON: Just in closing on that, the ACTCOSS submission states:

According to a submission to the review of the NSW Boarding House Act by People with Disability Australia—

and I found it quite telling—

boarding houses, even where they are regulated, represent a form of congregate housing that does not promote or deliver on the right of people to live independently and participate in the community, which is a right under the Convention on the Rights of Persons with Disabilities ...

The submission goes on to say:

Research and inquiries have also shown that people with disability living in congregate forms of housing are more likely to be exposed to violence, abuse, neglect and exploitation.

As you say, minister, it is something that we will obviously be taking into account

when we make recommendations. Does it give you concern when you hear submissions like that?

Mr Gentleman: I think we need to do as much as we can to look after the most vulnerable in our society. 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. It is quite a mix. If there is something that the committee wants to recommend, we will certainly, as a government, have a look it.

MR PARTON: I think it gets down to: which is the cart and which is the horse here, though, does it not? Some would argue that surely these regulations should have been in place before the draft variation was pushed onto us.

Mr Gentleman: It was a hypothetical question, and that is not the case. At the moment what we are looking at and what your committee is looking at is this variation. If you want to hark back to whether or not we should have had something in place in another form prior to that, then we are certainly happy to listen to it.

THE CHAIR: I would like to circle back to some of the other aspects on housing affordability. I think it is really, really good when we try new things and give people new options. We all understand that we have people in this city who cannot afford to rent and who are homeless, and that is a problem we need to fix. There are quite a lot of other things that are happening though and we are working in the planning space, which is the building space. I would like to circle back to this: there is no regulation on Airbnb and that does affect housing stock. Vacancy factors are an issue that comes around from time to time on the basis that there are unoccupied premises and it does not help us if we build a whole lot more and things are left unoccupied. I imagine there are many, many lessons from other states because everybody is going through this same issue.

Are you working with all the branches of government? What else is coming up to help us ensure that we are dealing with housing affordability and we are getting good occupancy rates in what we already have?

Mr Gentleman: The government has got a wide range of regulation and tasks to ensure that we can do the best we can for housing affordability. The market does, of course, manage to interfere with quite a lot of the policy levers that we put in place but it is incumbent on us to ensure that we can make some housing affordable for those people that need it, to ensure that we can supply housing for everybody in the ACT.

And, of course, we need to ensure that we can provide the best support for those people that are really struggling, those that are out on the street as well. It might not just be the physical opportunity for living; it might be a whole wraparound service where you need social security aspects and mental health support as well.

THE CHAIR: Specially though on Airbnb and vacancy checks, is there any sort of regulation in the pipeline on either of those?

Dr Brady: I will come to that, if I can, but just in terms of the housing policy, the

housing strategy that was released in 2018 has about 80 actions in it and they cross over different areas around affordability, homelessness. That is one of the ways that we work across government. We work really closely with ACT Housing and with Community Services to deliver on all those actions which are about providing housing and housing choice but with a particular focus on affordability. We also work with the treasury department to look at what are the other levers and mechanisms that could be employed through things like the land release program, through the affordable sale-purchase scheme and, as the minister said, other services that can be provided to assist people who need assistance with housing.

We are working across government. We have worked with central government around looking at the impacts of Airbnb on vacancy rates and on provision of housing and affordable housing. We are looking at the various mechanisms that can be employed, noting that things did change for everybody through COVID last year and around vacancy rates and rental costs and things like that.

THE CHAIR: There is policy work on foot for both of those, for vacancy and Airbnb?

Dr Brady: Yes. We are monitoring that and looking at what mechanisms, if need be, that we would need to bring forward to government to consider.

MR PARTON: I want to mention my good friend and former Green's colleague, Ms Le Couteur who did some interesting maths in her submission. She suggested that the central theme of the variation, from her perspective, seems to be there to ensure that only single household residences are built in RZ1. She goes on to mention that RZ1 covers 80 per cent of the residential area of the ACT and that, with the current government policy being for 70 per cent of new developments to be in existing areas, this is what is leading to large apartment blocks in town centres in particular.

I know that we have spoken a little about it at this hearing thus far, but she is just extremely concerned at RZ1 zones not being utilised in this new fashion. When we do the maths on that and we listen, minister, to your planning vision regarding 70 per cent of new dwellings being urban infill, I think she is making a pretty good point here. I would not have thought that it is compatible with the housing choices recommendations, as Ms Le Couteur has pointed out in her submission. I think you can see what she is getting at.

Mr Gentleman: I am very aware of the Canberra Liberals policy on RZ1 as they led into the last election. We have, of course, made some changes. I think the Mr Fluffy blocks will give you an example where a block of 700 square metres or larger in RZ1 could be made into dual occupancy, providing again more choice for Canberrans. That was taken up pretty well, I think. There were some, of course, concerns within the community. But the blocks were certainly taken up. Whether there is an opportunity to change RZ1 and the density into the future is something we need to have a conversation with the community about.

MR PARTON: I guess, though, what Ms Le Couteur is saying is that is this not a perfect opportunity to make that change, to head in that direction, which would line up with the broader planning vision for this current government?

Mr Gentleman: That is not the remit of the housing choices policy, if you like, and the work that we had out of the Collaboration Hub.

THE CHAIR: Thank you, minister, Ms Brady and Ms Kaucz.

Short suspension.

MORSCHER, MR ALAN, Architect

FENNER, MR ROLF, President, ACT Division, Planning Institute of Australia

WALL, MS CLARE, Committee Member, ACT Division, Planning Institute of Australia

COGHLAN, MS ROBYN, Secretary, Friends of Hawker Village

LYONS, MR COLIN, Convenor, Friends of Hawker Village

THE CHAIR: Thank you for giving up your time today. It is really, really helping our committee inquiry. Please state for the record that you have read the privilege statement. I might start off with the first question to Mr Morschel. Alan, can you tell us whether you think RZ1 should be opened up for co-housing? If so, why? Do you think that limiting boarding houses in RZ1 to four bedrooms is a good choice or not?

Mr Morschel: I have read the privilege statement. If I can broaden the question, because I think there was a comment made by the minister a moment ago that I did agree with—I think it was through Ms Le Couteur about that size of RZ1 versus RZ2—I think that is an exercise that does need to be addressed as to just where those boundaries are and what the sizes are.

The current proposal, with this draft variation, to introduce boarding houses and co-housing into that area, as it currently stands, is supported. I think it is a good start. But a lot more work needs to be done, as my submission said. I think that the introduction of more housing choice, more flexibility, within the designs is very important for the future of Canberra. There are those two that you have mentioned, the boarding house and the co-housing.

I note that the reduction of boarding house sizes to a smaller size than was originally proposed in the draft is a positive move and obviously those involved have been listening. Ten bedrooms in a boarding house is a big organisational arrangement and to find that size of land, and the cost of that land, nowadays is going to be extremely difficult really for many organisations that would be involved to do that. In RZ2 et cetera, the land just gets even more expensive.

I might come back later to where alternative land sources could be in this territory. It may not be the remit of this committee per se but I think that there is a discussion needed to be held as to just where affordable land is available or achievable in this town because the market is, like the whole of Australia, really racing away and making it very, very difficult.

MR PARTON: I think you make a good point too in your submission that the requirement for large blocks within only RZ2 is going to put anyone intending to use this draft variation in competition with some other commercial developments which could potentially make more money than they can.

Mr Morschel: Yes. My experience says that the co-housing is likely to be developed by people that have some property ownership. I think there is an ongoing one in the debate on the demonstration housing project at the present moment in quite a well-established and wealthy suburb. That is something that people entering into co-housing have to address as property owners and how they share.

A boarding house, as I understand it, is very much done by a sort of charity organisation, and where they are finding their money from to firstly buy the land, get hold of the land, then pay the architect, builders et cetera, let alone manage it and run it after that, I think, is an extremely difficult course to embark on.

MR PARTON: The maths does not work out?

Mr Morschel: Yes. They need to be given all the assistance they can. One small move is to reduce the potential size of boarding houses in RZ1.

MS ORR: One of the things I did want to explore is the co-housing and the boarding housing as being very different propositions, although some people might think they are quite similar, and just seek your views on whether there needs to actually be a consideration of separating these and looking at putting in place regulations that go to the particulars of each different style or whether they can still stay together.

Mr Morschel: I think, as I hinted in my submission, that very descriptive Territory Plan statements can sort of box in options. I might turn to my Planning Institute people here to help about writing such things but to write them in a more flexible approach as the development evolves.

Touching on the costing, I think when this was first proposed a few years ago, land was relatively expensive then. It is extremely expensive now. We need to determine just how these options stand in that time frame and are we predicting further increases in land prices? Therefore the very descriptive nature of these two developments might just be written out. I think we have got to look at more flexible planning policies and many alternatives.

If I can talk of one that I have got currently in the demonstration housing project with a group called ECHO, we have created more or less what I call stand-alone units, except for a shared laundry arrangement. These are small units of two bedrooms, 70-odd square metres. But the discipline on the two blocks in an RZ1 was to build so that it really took up the same space that a single house could under the 50 per cent block ratio. But that proposal has got to go through the demonstration housing project. It is not applicable now because we are getting four units or five units off an RZ1 block, which is not possible now.

There are projects coming through the demonstration housing project, I think, which will make a lot of possibilities available for affordable housing in this town in the future. I would just like to see it move more quickly than it currently is. It is a pretty slow process.

MR PARTON: It is pretty slow but then you are hands on in this space and what I am hearing from you this morning is that you almost have a fear that if this draft variation is rubber stamped as it is now then, because of the mathematics of land in the ACT, no-one is going to take it up anyway.

Mr Morschel: I suspect some of the co-ops might. As I understand it, that comes from individual funding. They might not do it in a wealthy suburb; they might find themselves moving to a less expensive outer suburb. With boarding houses, I would

see it as a real problem on the current land values. To buy a 700-square metre block now with an existing house on it, in many suburbs you are paying \$800,000. Is that not our average now?

Mr Fenner: Yes.

Mr Morschel: I have got family looking for houses in Weston Creek and it is a million. That is a lot of money to spend before you ever even get started.

MS ORR: I would like to hear from our planner friends. Mr Morschel has said, “Let us see if the planners can come up with a policy.” Let me find a way to say this that is not going to confuse everyone. We talk about all the good outcomes we can get from this type of housing, the opportunities that come from affordable housing, the opportunities for different, I guess, living styles and different combinations. Is there a planning perspective on how we can get good outcomes for the community that realise the opportunities in this housing but also mitigate what could be some pretty big downfalls if it is not done well, because it is a very unique style of housing?

Mr Fenner: I will open the batting. PIA is the national body representing town planners and urban regional planners around Australia for 5,000-odd members, and another 4,000 people attend our professional development and training courses. I have been president since December. I will let Clare introduce herself shortly. There are just two items. Given that we are here representing the Planning Institute—we always acknowledge country—I acknowledge that we are meeting on the lands of the Ngunnawal people and respect traditional owners past, present and future.

This issue that we are talking about today, I might take it up to the next level. The Planning Institute recently has called a climate emergency and I believe the crisis we are facing in housing our people is as equal a crisis as we are facing with climate change. The context that we are talking about today, even though it is a variation of the Territory Plan, is a much bigger context and, from the Planning Institute’s perspective, I think we really need this debate in terms of this issue of how we provide housing choice, housing diversity?

I think the missing challenge—Alan, I think you have raised it here too—is the quality design aspects of density. We only talk about density and we have scared our communities. We have scared our communities by saying, especially in the RZ zone, that whatever is existing we want to keep and, given the cost and prices of our housing at the moment, people are fighting for their financial asset rather than what is actually good for the population at large.

I know I am going on a little here but I have just got to reinforce the critical situation that we are in. What we can use the land for in a sustainable way into the future is absolutely critical. Planners are not in the business of building houses. We are in the business of actually building sustainable, inclusive, resilient communities, and that is what we are talking about here in terms of the opportunities of actually housing people into the future.

In the RZ1 zone there are opportunities for us to expand the types of uses that we have but the proviso needs to be that there is a quality design aspect to this. This is not just

about a definition of a boarding house and a co-house. It is actually the physical design and how we manage these kinds of uses.

I have kicked off a pretty high kind of area there. I might shut up for the time being. I am finding this a really passionate area, and I congratulate the ACT government in terms of delving into this space. This is a critical issue for us. On the tram this morning I read an article in the *Canberra Times* on a really critical issue. I think there are some really interesting arguments in this article.

Can I just then introduce my colleague, who is our housing convener, Clare Wall. Clare, would you like to say a few words as well?

Ms Wall: Yes. I have been on the committee for the Planning Institute for a number of years and I do actually have a number of other hats as well but I am here today in the context of my role on the planning committee. I would probably just add a few things to what Rolf said.

I think we all acknowledge that there is what we call the missing middle in Canberra, that there is a problem in that not everybody wants to live in either a detached house on what are, in many cases, reasonably large blocks of land or a unit. There are a lot of people who actually want something in the middle and at the moment there is not enough supply really of those in the middle-type opportunities. It is also about housing choice and it is about affordability as well. So there are a whole lot of issues there.

I will just mention a couple of things in particular. The RZ1 zone at the moment does allow for and has definitions of supportive housing, special housing, as well as boarding houses. There is a whole lot of, I guess, people's understanding about what those terms mean, and sometimes what is the current official definition in the Territory Plan is a bit broad and other people have different ideas about what those things mean.

Just very quickly in that context, I might just give a personal anecdote. My grandmother used to run a boarding house. She was a widow at an early age. She had a family home and once her children had moved out she used to rent out two rooms to boarders. They were just relatively young working people who had moved into the city to work. I do not know how many people do that sort of thing now but, to me, to rule out that sort of opportunity in an RZ1 zone would be quite silly. That was part of our thinking of what we discussed. In many people's view, that would not be much different to a group house or a shared house or all sorts of other arrangements.

As we also discussed, there are some things that probably should be controlled by the planning act and some things that should be controlled by the Residential Tenancies Act. I think there is a bit of an issue there about what we are really talking about. I am very aware that in New South Wales there is quite a bit of boarding house regulation and it is a bit about the not-for-profit sector and those sorts of things. That is all great. That is a very different type of boarding house to the sort that my grandmother used to run. We just, I suppose, need to think about what we are talking about. I think the definition in the Residential Tenancies Act is quite different to the one in the planning act. Yes, we need to have some sort of consistency or compatibility between them as

well.

MS ORR: Mr Fenner, you said that good design is part of the answer with respect to getting this right. Can you elaborate on what you meant by that? From the perspective of the committee, in considering this draft variation, how can we feed that into what is good planning practice within that code?

Mr Fenner: With respect to the comment in terms of design, it is something that we have not done well, generally. If I take a national perspective, it comes from the top down, from the federal government. I think we are kidding ourselves, in that changing opportunities or additional housing opportunities, potentially, in an RZ zone are not going to solve the crisis. This is a demand-driven crisis that we are facing at the moment, given that, with what interest rates are, and with the taxation benefits for people to invest in housing, many other regulations and policies need to be looked at beyond the ACT government.

Having said that, what is in the jurisdiction of the ACT is the assessment of development, and the quality of the types of development to maintain the streetscapes and the character of the garden city; that is what we are supporting very strongly in that regard.

This issue of design is a critical component that a lot of the built environment professionals are adamant about supporting. I am talking about colleagues in the architects institute, the landscape architects, regarding how to maintain the places that we love and enjoy.

With respect to the antagonism shown by fellow Canberrans regarding any potential change in the RZ1 zone, they are not bad people. I live in an RZ1 zone. They are basically protecting their financial asset, and they are scared. They are scared to see poor types of development coming in—not people; poor types of development.

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.

As I said when I introduced the Planning Institute before, we run professional development training and courses. We have classifications of planners that are elevated to a certain standard called “registered planners” that have these additional skills that I think are really critical for any planning organisation to have in their organisation, to ensure that the quality—not the quantity, but the quality—of the urban outcomes that we are getting is what people are actually after.

I know I have gone on a little bit over that aspect of it, but I do not want to give a 101 on what a quality urban design is. One day when we are all back on planes and travelling overseas, when you go overseas and take photos of places in Barcelona, Vienna, Zurich or London, you know what quality urban design is; and these are

dense areas—very dense areas.

MR PARTON: Can I bring the Friends of Hawker Village into the conversation? In referring to a number of things in the submission from the Friends of Hawker Village, I want to go straight to a comment at the conclusion of the submission, where you said that draft variation 365 is a step in the right direction, but that you find it to be an inadequate response to limiting the scale of certain types of development in residential zones. Specifically, you said that, as long as legal interpretation relies on the actual words rather than the intent, more precise descriptions are needed. Please tell me about your worst scenarios about which I am reading between the lines there.

Ms Coghlan: Quite some years ago, there was a proposal for densification of a block in Page, on the corner of Belconnen Way. It was in an RZ2 area. At that stage it had a particular form of dwelling that was built prior to 1970, when the lease wording simply said that you had to build one house for residential purposes. What was built was one building. It had a two-bedroom dwelling and a one-bedroom dwelling, but it was designed to look from the street like a single-dwelling residence. There were quite a few of them scattered through the suburbs that were developed at that point in time. The lease was changed in 1971 to refer specifically to a single dwelling. This particular block, because it was an RZ2, was entitled to have up to five dwellings on the block, which was a corner block. We objected to it on the basis that it was not suitable for five dwellings, given the slope of the land and a whole range of things.

At that time the objectives of the zone could not be considered because the objectives were supposed to have been implemented by the rules and criteria. If the rules said that they could have five dwellings on the block, you could have five dwellings on the block, come what may. It is an absolute abomination, in my opinion. There is no outdoor space, and it is a very cramped environment. It is all concrete.

MR PARTON: If we translate that to the current draft variation that we are considering, what specific concerns do you have about potentially the legal interpretation relying on the words used rather than the intent? What I am trying to get at is: what do you see as the possible intent that is not going to deliver best options for the community and the suburb vibe? What is your concern?

Ms Coghlan: That is hard to say. We are hoping that the revised version of the Territory Plan will address that issue, because it does seem to have been acknowledged that special features of a particular block are not necessarily taken into consideration in determining whether the block is suitable for the proposed development.

MR PARTON: Mr Lyons, we have heard Mr Fenner talk about the RZ1 people who are desperately trying to hang onto what they have got. How do you respond to and reflect on that comment? Do you see this playing out in the suburbs of Canberra, in Hawker and surrounds?

Mr Lyons: In response, Mr Parton, to your question, I think that implicit in your question is that people are not only concerned about the impact of the proposed change and what is happening, but also about the substantial and ongoing change in the character of the suburbs they live in.

I will make reference to an experience only last week, when I got a letter from a developer asking me whether I would be interested in receiving communication from them to buy my property. Some people might see that as good news. For me, it is bad news, because I received a letter; everyone else in that street would have received the same letter. For some people who are wanting to move on, that is great. But it is the start of a process which has been an ongoing process, which is leading to dramatic change in suburbs which formerly were all single residential dwellings.

Some people would be concerned. I cannot understand where they would be concerned because there is a loss in the financial value of their property, because clearly that is not the case. But if adjoining owners sell out, the unimproved value of these properties goes up, and that has a very strongly undesired impact on the nature of the property and people's ability to remain living there. Their rates go up; if they are retired, they do not have the level of income that they used to have.

As Mr Fenner said, there is a real concern that people have. I think that that concern is misplaced if they think the value of their property will go down. On the other hand, if they think that the quality of living in that area will be changed in a negative manner, that is entirely understandable, and it is happening.

THE CHAIR: This DV would not allow co-housing in RZ1, which is most of Canberra, 80 per cent of Canberra, and it is most of these single-dwelling, big-block sites. Do you see that as a problem for people who wish to age in place but find they do not have anywhere to age in their suburb? If they want to “right size”, they probably cannot do it in their suburb because the only available options in that suburb are the large family homes on big blocks that they are already in. Do you see that as a problem, and how would you fix it, if it is? Is this a lost opportunity?

Mr Lyons: I am sure it is a problem for people who want to downsize, but the transaction costs of downsizing are possibly a bigger problem that they face. When I first came to Canberra, I heard the view expressed that many people wanted to move; they wanted to upgrade by moving to another home, but the stamp duty and other costs involved were prohibitive, so they chose to stay where they were and spend that money on improving their house, even though it was a second-best option. They preferred a newer home, a smaller home—a more modern home, perhaps. But the cost of moving was prohibitive. In terms of whether that is a lost opportunity, I think you would have to have some pretty close financial analysis to give a correct answer to that.

THE CHAIR: The reason I asked the question was that—not with boarding houses; that is a very different beast—quite a lot of the co-housing models that have popped up in other places, and here, are often done by groups of people who know each other. They are groups of friends who have lived in a suburb for a long time and want smaller houses. That is one of the prime groups that have been interested in that model, but they will not be able to do that in RZ1, under this DV.

Mr Lyons: As Robyn has articulated, it is one thing to provide other options, but if it is done in the manner in which she illustrated with that example, it is most undesirable. It is not giving people who might want to downsize the quality of housing which

Mr Fenner has spoken about. I think it is imperative that, when we make changes of this nature, they do not produce more housing choice, most of which is undesirable. I think that is the key issue.

MS ORR: That was interesting. Ms Coghlan, the example you gave seemed to have a lot to do particularly with how the building sat in the streetscape, and not necessarily with the idea that there could be a different type of dwelling—not a single-dwelling house, but that there could be something more, two units or something like that. How it was sitting within the context was the bit that was not quite right. I think this goes to Mr Fenner's point that there needs to be good design. Am I right in that the objections are probably more to do with how it sits within the context and the design, as opposed to the idea of co-housing?

Ms Coghlan: The problem is that redeveloping blocks which were designed originally or subdivided for single housing does not create an optimal outcome when you are trying to densify. For instance, when Hawker was developed, townhouses had come into vogue, and a third of the land of Hawker is all townhouses—very nice areas; no problem. Weetangera did not have townhouse development at the beginning because it was developed earlier. It now has a large RZ2 area where townhouses are being built on individual blocks or several blocks together, and it does not work. It does not have the same appeal and landscape value as the planned townhouse areas that we have in Hawker, and in parts of the other suburbs of Page and Scullin.

MS ORR: Mr Morschel, as an architect, can it work?

Mr Morschel: What Robyn just said, that small-scale operation that the RZ2 policy has allowed, is a problem, for sure, in terms of getting an architectural character, as my colleagues here mentioned earlier regarding the quality of design. It has worked much—

MS ORR: It has or it has not?

Mr Morschel: Let me finish. It worked a lot better when it was not called RZ2; the maps were coloured by the NCDC so that this area would be higher density development. Gone are those days. With the RZ2, from my memory of the time when it was introduced, it was about trying to increase the density. Canberra wanted to stay—and it is one of the prime policies—within its boundaries and take the population growth, and RZ2 was an attempt to do that. I think that this future review of the Territory Plan should look at the success and the failures of all of our RZ categories and whether or not they have worked.

With respect to Robyn's comment on the block with five dwellings, it was a pretty crude method of determining whether it was RZ1 or RZ2. It was not done block by block; it was done in an overall context of neighbourhood development. What was the distance—a kilometre or half a kilometre from the shopping centres? A circle was drawn; the property lines within the circle were then accepted.

MR PARTON: Wonderfully simple, wasn't it?

Mr Morschel: It was a very simple—

MS ORR: If I understand what you are saying, there needs to be a more nuanced approach to where it is applied?

Mr Morschel: Yes.

Ms Wall: Could I add a little bit regarding what I remember of the history? Kerrie Tucker was the chair at the time, and there was a lot of discussion about the RZ1 and the RZ2, and the compromise position that was reached in the end was that RZ1 would not be separately titled. That is the issue that you are now grappling with, with the co-housing thing, I think. You could have a secondary dwelling, with quite a lot of constraints, but you could not separately title a block. Given the current context that we are now in, that probably needs to be revisited, and in a holistic way.

Mr Morschel: I would like to comment on a broader issue than the specific draft variation that is before you. As I was driving in this morning, trying to think about housing affordability, as I said a moment ago, the cost of housing is driven by the current market values in this town. This town is still very generous in its open spaces. We do enjoy that as one of the strong characteristics of Canberra. But there is land, I would think, available in what is defined as open spaces or unused land which could be very cost effectively made available for those wanting to support and be involved in affordable housing. A number of institutions that I have worked for are desperate to be able to support that sector of our community. I do not have a policy solution, except to throw it to you, as I thought about it this morning.

A lot of church land in town is totally underutilised. I have been involved in a project where one church gave up a fair slice of their land for some affordable housing. The money to construct was available care of Kevin Rudd, so we are talking about a program 10 years ago for a project in north Canberra. It works very well for disability housing. How do we encourage this for churches and similar institutions with lots of vacant land which they do not have a future for?

The other one—I know it will be extremely controversial—is to take slices or slivers of what we call our public land. You do not take the sports oval, but we all have in our minds sports ovals with lots of land around the sports oval, and a sliver of that could be taken and used for a boarding house; you have saved a million dollars on the cost of that boarding house by the government providing that land at base cost. I put those up as examples regarding maybe where we need to start thinking for the future of this city. Our half a million now will be more in the future.

MS ORR: I have one last question for Mr Fenner. From a planning perspective, where is a good place within our city structure, spatially, to locate co-housing?

Mr Fenner: Throughout the city there are multiple opportunities there. I have Swiss heritage; I am a dual national. The Swiss, in terms of cooperative housing, co-housing, have some fantastic examples. Again, we have been very conservative and, until recently, we have been able to be really conservative. But the crisis we are finding ourselves in at the moment is amazing. I talked about climate change. This will have impacts on existing housing regarding how we build resilient housing in terms of heat stress. We have all seen the Canadian experience of what they have just gone through.

We do not have the opportunity basically to say, “No, we’ll kick this one down the road a little bit further.” There is the issue of quality design. I have to reinforce Ms Coghlan’s comment; there are some fantastic examples of really bad developments. That is not what we are talking about; we are talking about quality housing opportunities—quality density, if we want to call it that.

I think there are multiple opportunities, from a site analysis perspective. As a planning graduate, you would appreciate that as well, Ms Orr. Clare, do you want to make any final comments from the Planning Institute?

Ms Wall: I do not think I have anything much to add. Even at the moment, it is quite difficult to amalgamate two RZ1 blocks and then do something that makes sense of that site, in a holistic and careful way, so that it provides more small dwellings. It is not the current trend; they are all RZ1 sites with big dwellings.

Ms Coghlan: One of our concerns in relation to the densification that we have noticed in RZ2 areas is the loss of any green space, and usable, practical space around the buildings to have productive green space and trees that will offset the heat island effect. As Rolf indicated, our major issue at present is climate change. Part of that is the heat island effect that occurs around very dense cities which are basically concrete jungles, to use a very ancient term.

What we are seeing in the RZ2 areas is concreting over the land and a reluctance to put in any kind of vegetation because someone has to maintain it, and it is not very practical in the space available. We do not feel that there has been any thought directed to this fact. If we need to densify, then we need to do it so that we still have some green space around every building to contribute to overcoming the heat island effect. What is happening at present is that the suburbs where densification is occurring are getting hotter.

Mr Lyons: One thing I would like to comment on, which was not reflected in our submission and has not been mentioned today, is the role of taxation of land in contributing to some of the issues in a major way. I refer to a situation that I am quite familiar with in Brisbane years ago. Brisbane City Council, of course, is a massive organisation. At a certain time, prior to the mid-70s, Brisbane had a lot of tennis courts—major tennis centres. But Brisbane City Council never struck a differential rate for tennis centres, most of which were privately owned, and they provided a major and important facility. As the value of land in Brisbane escalated sharply, about 80 per cent of Brisbane’s tennis courts were lost because of the failure to implement a differential rate.

Similarly, as with Clare’s example of a boarding house, I had an aunt who ran one for a long time in an inner city suburb in Brisbane. It provided an important function. In her case, they were all single men. They got three meals a day and it was very much compatible with the adjoining land uses and occupancy. That is gone now because the failure to implement a differential rate has meant that it is unaffordable for people to operate and provide such a valuable service.

The government should consider the retention of, or making it viable to retain, real

boarding houses—not Airbnb style, but three meals a day, long term—by making it affordable for landlords to operate on that basis. That would serve, in no small part, the need for more social housing choice.

The minister spoke about choices on a number of occasions. He did not give any idea of what choices he was referring to. That was, to me, notable by its omission. I think we need to look very closely at the taxation regime that is applied because that would help to address some of the deficiencies in housing choice.

THE CHAIR: Thank you very much, Ms Coghlan, Mr Lyons, Mr Morschel, Ms Wall and Mr Fenner.

MS ORR: I probably should have done this before, but, for the record, I am a member of the Planning Institute. If they could stop scheduling their congress during sitting weeks, I would love to attend.

Short suspension.

ROWE, MR ANDREW, Chief Executive Officer, Havelock Housing Association
CAMPBELL, DR EMMA, Chief Executive Officer, ACTCOSS
WALLACE, MR CRAIG, Policy Manager, ACTCOSS
GILBERT, MR TRAVIS, Chief Executive Officer, ACT Shelter

THE CHAIR: Thank you all for coming. When you first speak, could you note that you have seen the privilege statement? I would like to open by asking Mr Rowe a question. We have invited Havelock House to attend today. We are interested in Havelock House. I am interested in your experience with affordable housing models and whether you see any problems with the DV in its current form, particularly with respect to affordable housing in RZ1, I suppose.

Mr Rowe: I acknowledge the statement. I had trouble understanding the definitions, how we fit in with those definitions, and what it meant for us and our objective to provide safe and secure accommodation, particularly for those on very low incomes and those with highly complex support needs. The solutions for the cohort of residents at Havelock House are very limited in the ACT. Havelock House effectively, I think, is a boarding house, or it could be co-housing.

THE CHAIR: That is interesting.

Mr Rowe: It is about how you read that definition. 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.

It is very hard for us to find options to bring more properties online that suit that cohort. We provide a lot of social supports, social inclusion programs and community development programs, which are really what are needed for that cohort. I wonder what this means for us and what we can do, and whether it limits it or whether it will 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.

MR PARTON: That is a really fascinating reflection, Mr Rowe. Reading between the lines of that reflection, you are concerned about the outcomes if, indeed, these changes are made. Are you worried about the market doing what you do?

Mr Rowe: I do not think the market would do what we would do.

MR PARTON: Or at least attempting to do what you do with a similar cohort, and the consequences of that.

Mr Rowe: Those are some of the concerns that were reflected in the submissions by Dr Campbell, and Mr Gilbert from ACT Shelter, around the problems with boarding houses in other jurisdictions. I do not fully agree. I think it is important that they are regulated and run by an organisation such as a community housing provider that can

provide the appropriate support services and management of the facility. If it was open to the market, more privately run, that is where the very real risk that those issues that are reflected in those submissions occur.

Going back to your question more directly, my concern is that we would be squeezed out of being able to do those sorts of developments or develop those accommodation settings if it was open to the private market. It is already almost impossible for us, as a community housing provider, to bring on new properties when we are generally expected to pay full price for land and pay for the development. The return that we get is generally 50 per cent less than what a private sector landlord would get for the same property. We cannot do that in the ACT. It is extraordinarily difficult, if not impossible, at the moment. That would be my concern.

MR PARTON: Mr Rowe, the minister spoke about moving, with this draft variation, to create more housing choice. I asserted to him that most of the cohort that were going to use this sort of accommodation really had no choice other than this. Is that your belief?

Mr Rowe: That is what I was reflecting on, as I was listening earlier this morning. Providing more housing choice is not really the right term. The people that we serve do not have much choice, and that is the point. I am concerned about what this means for even further restricting the choice for people in that situation.

MR PARTON: Dr Campbell, we mentioned your submission before. You were here, and we were talking about you being here. As you listened to Mr Rowe's verbal submission, how do you reflect upon that? It seems to line up very clearly with the written submission that came from you and your office.

Dr Campbell: 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. Mr Wallace might want to talk about that in more detail.

Co-housing is a very particular model for a very particular group of people, but we have a shortage of 3,000 social houses, we have 1,600 people experiencing homelessness, we have women and their children sleeping in cars because they are leaving violent partners, and we have Aboriginal and Torres Strait Islander people in Canberra living in overcrowded situations, when we are one of the richest jurisdictions in Australia.

If you talk about choice, there are many options for the ACT to select when providing more housing for people on low incomes who are facing disadvantage. The best of those, aside from the provision of public housing, which needs to be done at a greater rate, is to empower our community housing providers to deliver the 600, as a minimum, affordable rentals that are promised in the parliamentary and governing agreement. Our concern is that this is a side conversation and that it is somehow, by talking about housing choice, a way of suggesting that people on low incomes should be living in accommodation that most of us might not choose to live in; but somehow

we find it acceptable for people on low incomes.

MS ORR: Dr Campbell, on that note, we have heard from other presenters this morning that this is actually a good opportunity regarding housing affordability—co-housing and boarding houses. Am I taking, from the comments you are making, that it is not that simple?

Dr Campbell: We need more houses and we need more social houses. We have families to accommodate and boarding houses will not support them. Would we want to live in boarding houses? We have an obligation to provide, for low income individuals and families, appropriate housing, not the cheapest form of housing that we can manage.

MS ORR: Because “appropriate” can be taken to mean a few different things, can you define what you mean by “appropriate”? Give us a bit more elaboration so that it is clearer for us.

Dr Campbell: It is housing that means people are not living in overcrowded conditions. It is housing that meets the aspirations of the individuals who are living in that housing. It is housing that is not unsafe, which is the situation with some of our public housing at the moment. It is housing that is located near essential services and transportation, and it is housing that does not create risks for the highly vulnerable and people with highly complex situations that often require the support of public and social housing.

THE CHAIR: I would like to dig into that aspect of it, the regulation of boarding houses, because we heard quite a lot about that in the ACTCOSS submission and the ACT Shelter submission—in quite a lot of the submissions. This is about planning the box that we build and that is allowed to be used for boarding houses, but, actually, there were a lot of comments about broader regulatory issues—vulnerable person protection, official visitors. There is probably a need for regulation. Can you tell us a little more about what we do not see in this that might be needed?

Mr Wallace: When we are talking about boarding houses within the submission, we are talking specifically about private boarding houses where people outside a family unit are living together with shared facilities and often shared supports. In other jurisdictions that has included things like food being provided and, on occasion, income management. They have claimed to provide rehabilitation support for people exiting the justice system or with drug dependence.

With the regulatory issues, what has happened with those boarding houses interstate, particularly in New South Wales, is that we have had some spectacular examples where there has been bullying, coercion, inappropriate tenancy management—a whole host of issues which have made those places dysfunctional, prone to violence and prone to extreme deprivation. What has been brought out through multiple inquiries, including the royal commission that is underway, are particular issues for people with disability.

We would note that in New South Wales there has been an ongoing attempt to regulate boarding houses, including having publicly notified lists of registered

boarding house providers. The ACT does not seem to have—and we have looked in the obvious places—a list of registered boarding house providers, a regime to sanction boarding house providers who are not compliant, to accredit them and to subject new providers to additional scrutiny, including official visitors, fire inspection requirements, and an extra level of care around the building quality and the human services.

I would note that even where that regulation has been attempted—and it has been attempted in New South Wales—the state government has basically given up and said, “We need to devolve people from these kinds of housing provided by private providers entirely.”

THE CHAIR: That is interesting. We have a DV that has limited boarding houses to four bedrooms in size, and we asked the minister this morning about the regulatory framework for protections and we have not heard a great deal about that. The DV has also continued to not allow co-housing, but co-housing does not seem to be causing any of the problems that boarding housing does. I just wanted to test that; thank you.

Dr Campbell: Our understanding of the definition of “co-housing” is very much—

THE CHAIR: It is a different group of people using it, absolutely.

Mr Wallace: Yes.

Dr Campbell: Yes. It is very narrow. We are talking—

THE CHAIR: Yes; different people.

Dr Campbell: It is very small numbers of—

MS ORR: Dr Campbell, for the record, can you say what the definitions are, so that we all have the same understanding?

Dr Campbell: My understanding of co-housing is groups of 20 or 30 families and individuals coming together to develop housing around perhaps shared facilities, building a community.

MS ORR: And boarding housing?

Mr Wallace: My understanding of boarding houses is that you have people who are sharing personal facilities—bathrooms and kitchens—and you have a level of support services that are usually coming in. Co-housing relates maybe to micro apartments, different types of housing form, clustered together, but you do not necessarily have people sharing those personal facilities like bathrooms and kitchens, and they are not at the same scale.

Dr Campbell: They probably are intentional, as in groups of people have come together—

Mr Wallace: Yes.

Dr Campbell: which is different to boarding houses, where you find people who perhaps do not have any choice because of their socio-economic status living in those environments.

Mr Wallace: Yes, they are there to receive the supports, in boarding houses.

Dr Campbell: Yes.

MR PARTON: I am very keen to bring Mr Gilbert in to the conversation.

MS ORR: Yes, I was thinking the same thing.

MR PARTON: Mr Gilbert, I was asking the minister before you arrived about the reflection that you made in your submission that boarding and rooming houses do provide a very important source of low-cost accommodation in most Australian cities, but not so much here in the ACT. He responded by saying that he thought it was as a consequence of the fact that we are a relatively young city, that we have sprouted up dramatically in the last 30 or 40 years, and that these examples in other cities had a historic place. What is your reflection as to why this form of housing has not been used very much in the ACT?

Mr Gilbert: I would have some sympathy for that argument, in that a number of proprietors in Melbourne, Sydney, Adelaide and Brisbane inherited very large buildings through their family and probably became accidental landlords. It might be the case that Canberra did not have that kind of private ownership and wealth transfer of the kinds of boarding and rooming houses that ACTCOSS, ourselves and others have expressed concern about.

There is a lot of diversity in the boarding and rooming house sector. If you were to call Havelock or Ainslie Village a boarding house, I would feel very differently about more of that model of accommodation coming about, because they do need to meet quite stringent requirements of the National Regulatory System for Community Housing. But when I look at something like the aged care royal commission, there is significant oversight and accreditation, and people come in and out of those facilities all the time, yet we have heard of some absolutely appalling examples.

I wonder about a boarding or rooming house where an 80-year-old person is sharing a room with somebody dealing in crystal meth, somebody who has an AVO and is prone to incidents of violence—and this is a room I am describing from a boarding house I visited in Adelaide, in a former life. I wonder how older people are faring in accommodation that is not regulated, that nobody visits and that, in this case, if there is no regulation or licensing system, nobody even knows about.

MR PARTON: Mr Gilbert, we have been talking about the rental crisis and the accommodation crisis generally in the ACT. In line with Ms Orr's questions to Dr Campbell earlier, I do not want to quote the minister, but if we provide more options at the lower end, surely, that has to be a better thing, if it is regulated properly?

Mr Gilbert: I would say that choice is indeed quite 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 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.

I think that the regulation component is important. Certainly, 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, that would be one thing; but I am reluctant to agree that people exercise choice to live in boarding and rooming houses, particularly in high-cost cities like Sydney and here.

MR PARTON: Do you think that we are potentially putting the cart before the horse in moving forward with this draft variation without the regulations in place around boarding houses?

Mr Rowe: I think we need to be careful about tainting what potentially could be a good idea that has been badly implemented in other jurisdictions at other times. Havelock House is a boarding house at the moment. The building design is not ideally suited. In terms of what we do, it could be better configured, but it suits the people that we serve. 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.

MS ORR: From what Mr Gilbert was saying, is the issue that boarding houses exist, because they do already exist, or is it that we do not regulate them and get the operations correct?

Mr Gilbert: My experience has been a little bit tainted by practice experience in Adelaide and engagement with Homelessness NSW and bodies in Victoria, which may well be very different environments, in that they are bigger cities. I think that is right. If somebody finds that a dormitory accommodation or shared rooms suit them, and there is tenancy management and support in place that a community housing provider might do, that would be vastly different to a proprietor that is charging people \$300 each. Sure, there are four bedrooms—it is limited—but how many beds are there in each bedroom?

In the past in Canberra, we have seen subdivided duplexes in the inner north, rented out to international students and divided with cardboard. These are the kinds of things that might happen if you do not seek to understand where these places are, who is operating them and who is living in them.

MS ORR: This is going to the operation. Mr Rowe, if I understood what you were

saying and where you were going with what you were saying, it is not the boarding house that is the evil; it is how it is run. That is a very generalised way to say it.

Mr Rowe: I think that is correct. 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.

Going back to my opening comments, we find it incredibly hard to bring on new homes for people in the ACT in a financially viable way; it is almost impossible. 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. I think this is a solution to do that. I would be concerned if there was not an overlaying or supplementary regulation of some sort that controls how that is applied and makes it accessible for us.

Dr Campbell: Our concerns are particularly around private providers.

Mr Gilbert: Yes.

Mr Rowe: Yes.

Dr Campbell: When you are talking about the cart before the horse, I think that what we need first is more houses for people on low incomes and more appropriate housing for people on low incomes. When you talk about choice, there may be individuals who want to be in a supported environment like that provided by Havelock House, but for those who do not, and who want to live independently but need social or public housing, they also have that choice.

THE CHAIR: Co-housing would not provide housing for low income people, probably; with the way it is usually done, it is usually targeting a different group. When we are talking about not having enough housing in Canberra so that everybody has a home to live in, is there a relationship between allowing development in one sector of the market or using different tools like vacancy taxes or something like that in one sector of the market? Will that have a knock-on effect that will help housing affordability and availability at the bottom end of the market, or are they just completely disconnected?

Dr Campbell: The thing that we are asking for is 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 there to be supports for community housing through accessible land for them to build on. Andrew Rowe can speak to some of the other tools that you are looking for as a community housing provider.

Mr Rowe: I have had a number of conversations with people in the government. They say, “Will this work? Will increasing build-to-rent work? Will that make an impact?”

All of these things make a marginal impact, but, as Dr Campbell said at the start, we are 3,000 homes short right now. People cannot afford it; people are living in their cars, couch surfing or sleeping rough. If you expand it to the number of households who are living in housing stress and where perhaps a bit more than 50 per cent of their income goes to keeping a home over their heads, we are up to over 10,000 to 15,000.

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 with something that might help, like—

Dr Campbell: The trickle-down effect—

Mr Rowe: It does not work.

Dr Campbell: It does not work with income or taxation; it does not work with housing.

THE CHAIR: We can only look at what we have before us. I hear and understand everything that you are saying, and I know about our housing policies, but we are not actually looking at our housing policy right now; we are looking at a very specific draft variation about boarding houses and co-housing. But we are doing it in a general context of a housing affordability crisis. I am trying to understand whether there is anything useful that we can do with what we have on the table before us right now and whether it is going to affect this.

Dr Campbell: I think rezoning church land or allowing church land to be rezoned is a really important point.

Mr Rowe: And linking the previous comments in with what you are saying, choosing what you do with what is in front of you right now, and how that is made available and regulated, is the opportunity you have right now.

MR PARTON: Mr Gilbert?

Mr Gilbert: Yes. I would just add to that: one of the key benefits of having community housing providers deliver boarding houses, if that is what the ACT seeks to do, is that they have a rent-setting model in place that would either be proportionate to a person's income or less than 75 per cent of market rent. A private proprietor has no such affordability purpose. Why would they? They are in it to generate an income. That offers another layer of protection, potentially, against the kinds of exploitation that we have seen, where people go in at one level of rent, and over time it is progressively increased, and they feel they have no power to do anything about that.

THE CHAIR: Mr Parton?

MR PARTON: I can ask questions, but I was thinking that we can actually run a session to time! I can if you like—I will be brief—because we have a couple of minutes. Mr Gilbert, prior to your entrance to the room we talked with government officials about Airbnb “distorting”—I could not think what the word is—the market

here, and there was a suggestion that with some of these particular options being so limited based on this draft variation, it would just encourage people to push on with their Airbnb option. From your perspective, Mr Gilbert, with ACT Shelter, how concerned are you about Airbnb distorting the housing market here?

Mr Gilbert: Certainly, Shelter Tasmania has uncovered significant evidence that a leading contributor to significant above historical trend increases in Hobart and Launceston are due to people using what used to be private rental flats for Airbnb. I do not have any data. I have not seen any data that tells me how many units in the ACT were converted from long-term rentals to Airbnb properties when that became a thing several years ago, but I would imagine that it would be a contributor.

We also know that there are a large number of apartments here that are used by various people—potentially parliamentary staffers and others when they visit Canberra for sittings—but I am not sure about the quantum of it. But it could be a very real risk, depending on the rate of return you could get from an Airbnb. If you could get more by charging \$300 a bed, in a four-bedroom boarding house with four beds in each room, it may be more attractive than Airbnb.

MS ORR: So, again, that would go to how the boarding house is regulated, as opposed to whether it exists.

Mr Wallace: Yes. I guess the key for private providers is that nobody knows about them, and we do not know what is going on for occupancy in those premises; whereas even Airbnb would have a cleaner come and visit after someone stayed in it.

THE CHAIR: Thank you very much, Dr Campbell, Mr Gilbert, Mr Rowe, Mr Wallace.

MS ORR: And we still finished on time!

THE CHAIR: Thank you for giving up your time; it is actually really helpful. There is a lot of other government work in this space. Obviously, we are not limiting ourselves to looking at this DV, so thank you for your contributions.

Dr Campbell: ACTCOSS have made a quite substantial submission to the planning review and we also encourage the committee to look at that.

THE CHAIR: Excellent. Yes, we are aware of the review. Thank you. I am very glad that you are contributing; that is excellent.

Short suspension.

LE COUTEUR, MS CAROLINE, Co-housing Canberra
ESDAILE BRAY, MS JULIE, Co-housing Canberra
ROSS, MR IAN
AITCHISON, MR CHRIS

THE CHAIR: Thank you for giving up your time. In this session we will be talking mostly about co-housing but obviously it is all interconnected so we may talk about other issues too. I would like to start up with this. There have been two versions of this variation. There were a lot of public submissions. There is a lot of resonance in all of those public submissions that boarding housing and co-housing are quite different things but that they have been put together in this same bucket. What we have as a government response is a bit of a restriction on boarding housing in RZ1 and no co-housing in RZ1. We know that RZ1 is the biggest zone—80 per cent.

I do not know how many of you had the benefit of hearing some of our other witnesses this morning. I can see that you have. Excellent. We heard that there is a lot of community concern about changing rules or zoning in RZ1, but I am just interested in hearing what you think about whether we have the balance right, in this DV, of removing co-housing altogether from RZ1. We started having a conversation—but did not quite get there—about whether the problem is the DV, or whether the problem is the zones themselves.

Ms Le Couteur: How long do you want me to talk for on this? I think the first problem with the draft territory plan variation is the definition of “co-housing”. As I said in my submission, there is actually a lot of co-housing happening in RZ1. It is not called “co-housing”. It is a family who puts a granny flat in and then they have a caravan and a number of structures and bits. They are doing everything that co-housing would do but they would never call it co-housing. Why would you call it co-housing?—it would only mean that it is illegal. I think the first thing that this territory plan variation should think about is: what is it actually trying to achieve? Both I and—I should not call you Jules—Ms Bray—

Ms Esdaile Bray: No, call me Jules.

Ms Le Couteur: No; we are meant to be formal. In Ms Bray’s submission and Canberra Co-housing’s submission we talked about affordability and sustainability being really important. One of the ways we can do this as a win-win is by sharing facilities. Everybody does not have to have a spare bedroom because your aunts do not all come to stay at the same time—you can share that around. You can have a large living space so that you can occasionally have a big party, but you do not need one all the time. All of this can be done and give you a lifestyle that works with less financial environmental resources and a socially vastly better outcome.

THE CHAIR: We had the minister and the directorate officials here this morning, and we tested this idea of why co-housing is out when boarding housing is in but limited—that maybe more limits need to be put on that, but why is co-housing out of RZ1? The answer we got, if I can summarise, is, “Co-housing does not really exist in Canberra. It is a new concept, and we want to test community sentiment in RZ2 and other places first.” We pushed back on that a few times and said, “Well, actually, co-housing does exist.” I did not go into the informal versions of it, but named a few

formal versions of it and we did not really get any further—

MR PARTON: No. The government officials were adamant that there is virtually no co-housing here—that it is brand new and so we are going to sample it.

THE CHAIR: Thank you.

MR PARTON: How do members of this panel react to that assessment from government officials this morning?

Ms Esdaile Bray: I represent Co-housing Canberra, but I am also representing myself, as a person interested in co-housing. I have spoken with government officials about the need for providing opportunity for co-housing in RZ1—more than just RZ2 and RZ3—primarily because of the fact that there is very little RZ2, RZ3 et cetera available. We will not even be able to test the concept that is already tested. We have co-housing in Canberra. As Mark mentioned, there are the formal ones—Wybalena Grove and such—and there are informal ones, as Ms Le Couteur mentioned. We do not really need to test it, but it is going to be very difficult to test if we can only do so in RZ1 and other zones, because we are certainly competing with other developers trying to buy in those zones. They are the more expensive zones. It is harder to create affordable housing in the more expensive zones, as well, as there is far less availability. So, actually having the option to test it in RZ1 and even to limit it to one per section, as boarding houses are currently limited, is probably an appropriate way to approach that.

MR PARTON: I wonder, Mr Ross, if I could get your reflections on what we were just talking about in regard to co-housing being something that has to be tested to the market.

Mr Ross: I have read and understand the privilege statement. I am here as an individual. I am a member of Co-housing Canberra but I am not active in the organisation; I have just somehow ended up under that heading. I am one of the people who are part of Stellulata Cohousing, which is a demonstration housing project proposed for Angus Street in Ainslie. The draft variation related to our project, number 376, will come to you in the next month or so. It was mentioned quite a lot in the Friends of Hawker Village written submission to you. We do not want to be mixed up with the *Canberra Times* article today, which is about DV375, which is another demonstration housing project that is a different model. From all the feedback we have got, we are quite popular with the people in our area. So we hope that is okay.

I think I would like to do this by telling my story about how I got to where I am. My story is that I lived in Hackett as a teenager, and I have lived in Dickson for the last 34 years. In between, I have lived in Woden Valley, Weston Creek and Tuggeranong. I built a house in Gowrie when it was a new suburb, so I am definitely an Inner North person, but I understand there are other parts of Canberra. I want to make that point—that it is not just about the old parts of Canberra. It not just about Griffith, in the paper today, and Ainslie, where I am.

My house in Dickson is an ex-govie that we extended twice as we raised a family. Since my wife died and my son and his partner got their own place, the house is now

far too big for me and my old dog. I am ready to downsize but I do not want to live in an apartment and I do not want to move out of the neighbourhood I am familiar with. I am looking for a single-level home with a garden, not too far from my friends and community. There are very few townhouses or similar homes in my area. I am one of the people who are desperately seeking the so-called missing middle of the housing market. I am sure that there are many people in my situation all over Canberra who are ready to free up their big houses for families who can better use them, if only they could find suitable housing in their areas.

Having sat through this morning's session, I realise that I am in a very privileged situation. And given the discussion we had on the climate chaos and on the housing prices, I completely agree with what was said this morning—that freeing up my house is not going to make a substantial difference to the problems that ACT Shelter were talking about. However, I think it helps a little.

It is more than three years since my friends and I applied to become a demonstration housing project, where we could show that a small co-housing community could fit into residential zone 1, while being sensitive to the values of the inner north community that we love so much. I endorse the statement that co-housing is a wide range of things. We are talking about modelling a small, three-unit development, which we think is quite appropriate in RZ1. It may be that bigger places are also possible in RZ1, but that is what we are trying to demonstrate. And here I actually agree with a lot of the things that Friends of Hawker Village say, and which the architects and the planners said, about quality. The planning rules are not helping us solve the problem.

In a rules-based planning system like ours, this is the point at which I would describe the physical aspects of our community and explain how it blends into the streetscape, uses only 43 per cent of the land area, less than we are permitted to build in a single structure under the current rules, and has many features that make it more sustainable, more suitable for ageing in place and more beautifully designed than many of the residential boxes that have been constructed in our neighbourhood in recent times.

I could go on to talk more about what I think is more important, and that is the social aspect of co-housing. I mention that in my submission. Because it is a cooperative community—because you are meeting your neighbours in the shared garden, you are discussing with them how to design the property, how to manage the property, how to pay for things—you are creating a community and you are actually addressing wellness indicators, which I mentioned in my submission. It is not just the planning aspects, the physical aspects; it is actually the community aspects that I think are a reason we should be supporting co-housing more generally. I will stop there because we have limited time.

THE CHAIR: Thank you. I will follow up on that because I am interested. I put the specific question to Friends of Hawker Village, which you were here to hear, I think, about ageing in place, and the difficulty we have that if you want to stay in your suburb there may not be any way for you to do that. Co-housing is one of the models that might be springing up to give a really good solution to that problem. The response that came back was not that, yes, co-housing will fix that, or could help, or might be another choice. The response that came back was a very strong, “No, that is

not the problem; the problem is transaction costs. The problem is it is too expensive to downsize; the problem is the taxation system.” It did not actually open up a conversation about co-housing at all. Have you got any views on that? You have just been through this journey, so what do you think?

Mr Ross: As I said, and as was mentioned by the Hawker Village people, if you already own a property in an area, and you can sell and buy on the same market, you have got a hope. In terms of the taxation system, the reduction in stamp duty will help with transaction costs, but the concern is that once you move into a pensioner environment your ability to meet the land tax is an issue. So it is a balance.

Going back to the question earlier about why the government did not include it in RZ1, I think they are just realising that it is a can of worms to talk about RZ1. Because they have a big planning process coming up—a planning review—they are hoping to just put a simple one in first and get it through. But of course it just opens the can of worms.

Ms Esdaile Bray: Could I just add, further to that, that I should have added in my first comment, that the can of worms largely relates to the unit titling in RZ1. That is the thing that they do not want to bring to the fore at this point. There are more issues in the whole definitional side of co-housing, relating to unit titling—can you unit title a private living area? Does it have to have a kitchen? If there are more than two kitchens, then it is not a single dwelling and it is not permitted in RZ1. So there are a lot of changes that have to happen to make it permissible as a unit titled—

MR PARTON: To make it fit into the box.

Ms Esdaile Bray: Yes, to make it fit into the box. We need to make that box bigger.

Ms Le Couteur: I think Ms Bray is correct. How we are going to divide up the ownership is the crucial issue here. The development that Mr Ross is part of, as he said, as a single dwelling, is currently totally permissible in RZ1, but there is obviously no possibility of unit titling, and there are some issues if you have a company title, which is the other alternative.

I mentioned elder abuse. This is actually one of the significant issues of not allowing unit titling because what happens is that an older person looking for something that is going to work for them builds a nice granny flat in the backyard. If things do not work out, they potentially lose all their equity. In my time in the Assembly, I spoke to a number of people who had suffered from this. We were also talking about ageing in place. This is why RZ1 is actually important. Friends of Hawker Village were correct: transaction costs are a real issue, but they can become a lot less. If you already own the house and the land, you can make something that works for you and your friends, or whatever, in a lot more affordable way because you will actually have a lot less transaction costs and you can probably organise life so that capital gains for you, at any rate, is not a problem; whereas, selling up and starting again is going to be a vastly more expensive option. RZ1 needs to be included when looking at Canberra being sustainable long-term. It is 80 per cent of our residential area. We cannot continue just to ignore it.

MS ORR: I was just going to ask Ms Le Couteur what she thought, because she has been very quiet. I was surprised by how quiet, to be honest!

MS ORR: Mr Aitchison has not spoken.

MR PARTON: Yes.

Ms Le Couteur: Yes, we should give Mr Aitchison a go.

Mr Aitchison: Sure, thanks. And thanks for having me. I am here on behalf of my wife and I. I will, at some point, join the co-housing mob because my ideals are certainly aligned with theirs. I grew up in Canberra and my family and I moved to the North Coast some years ago. We spent some years living on what could be described as a co-housing development. It was a piece of land with 17 residential shares. We each had very simple accommodation. We raised two children there. We shared a lot of facilities in common, including water resources and energy resources. We came together regularly for meals, and a lot of decisions were made collectively. A lot of our friends—both former and present—live in these types of arrangements very successfully.

I am not an expert in the territory's planning laws, so I leave those sorts of aspects of the conversation to Ms Le Couteur and my friend over there, Ms Esdaile Bray. Mr Ross re-enforced some of the social benefits of community housing, and that was one of the points that I really wanted to re-enforce. Life can be very isolating; it can be alienating. Our planning laws currently reinforce those sorts of trends in society. We are told that we must be self-reliant. We are told that we must have our own kitchen and our own full range of facilities so that we are not reliant on other people. That may suit some people, but it does not suit everybody, and we had to go to the North Coast in search of a place that would facilitate our need to live in community with other people.

MR PARTON: I wonder, can you talk me through that process of how you found that? We have heard discussions about co-housing set-ups that have been established around a number of people who knew each other and came together and specifically set something up. But you have opted into this. It is 17 dwellings, so it is relatively large. How did you find it?

Mr Aitchison: Well, we left on a whim. I had a secure job, as did my wife.

MR PARTON: Yes.

Mr Aitchison: We wanted to learn how to build and live in a community, so we took off. We landed in Murwillumbah, actually, and very quickly made friends. Through our connections, we identified that there was this share available on a community. So it was really just through making connections and building friendships that we learned about this. I think that this testifies to the effectiveness and the utility of these arrangements—that they are so hard to find. It was very difficult to find a community that had a vacancy. They are very popular modes of living.

MR PARTON: You guys lived there for how long in that community?

Mr Aitchison: We were there for three years.

MR PARTON: Was there much turnover with the other dwellings or did you—

Mr Aitchison: No, there was very little. Most people were very content with the arrangements. There were deep and longstanding friendships there. There were also conflicts; I will not overlook that.

MR PARTON: What did you not have in your particular dwelling that most of us would have in ours? What sort of facilities were actually shared?

Mr Aitchison: We had a very basic kitchenette—a single stove cooktop. So we could put one frypan or saucepan on at a time, and that was linked to a gas bottle outside the home. We had water that we gathered from the roof. The dwelling itself was 10 metres by 10 metres, and all four of us—my wife and two children—shared a single bedroom. Then there was one other room which was a living room/kitchen/dining room. We loved it. We look back on these three years as probably the best three years of our lives. Then there was the composting done out the back.

We had a communal kitchen with a pizza oven and a shelter where we could get away from the rain—it rains a lot up there—and we had a couple of dams. The roads were shared facilities and the bridges. We met at least monthly to make decisions about upkeep of these facilities, and they often involved shared meals et cetera.

THE CHAIR: Where did you meet for that? Was that an indoor or an outdoor setting? When you all came together to meet, was there a hall or something?

Mr Aitchison: We would come together to meet at a communal kitchen facility.

THE CHAIR: Yes.

Mr Aitchison: We had a basic shelter and a pizza oven, so there were always pizzas.

THE CHAIR: I just want to drill into how it works. So when you bought in, what did you own? When you moved in, what was the financial transaction?

Mr Aitchison: Okay, yes. This goes to the other point that I really wanted to make. There are just so many models of co-housing. There are some that already exist, as Caroline has pointed out. To say that there is no co-housing in RZ2 is like the private school principal who stands up and says there are no drugs in the school. It is there, but when it is illegal you have to do it in innovative ways. They can be beautiful. They can fit in with the aesthetic of a suburb. There is absolutely no reason why they should not.

Going to my arrangement, 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. We could never have afforded three acres on the North

Coast were it not for this sort of arrangement. I would, but I do not think many Canberrans want a cluster of yurts, but it does not have to be a cluster of yurts. These arrangements are only limited by imagination.

Mr Ross: I think that just highlights what we have been saying and what you were saying earlier in the day—what is the definition of co-housing? It is a bit tricky. I am probably at the other end of the scale—smaller. Our units have everything except a laundry, but then we also share a second lounge area, a fireplace, a second kitchen, a second bathroom, a third toilet, a third bedroom and two cars, in our shared area.

MR PARTON: Why a second kitchen? Is it a case where the kitchens in the individual units are quite small?

Mr Ross: No. In our case, we have a full kitchen. It is just a sense of building community.

MR PARTON: Right, okay.

Mr Ross: So the communal house is where we are going to meet to have our communal meals, which may happen once a week. We are going to share that community space with our neighbourhood. Three units is a fairly small number of units to share the amount of infrastructure we have built in our shared zone. We have done that, one, because we can afford it,; and, two, because that is all you can put in RZ1, even when you have the special exemptions that are coming to you in DV376. You can fit only three units on a quarter-acre block at 43 per cent.

MR PARTON: Yes.

Mr Ross: There are a couple of more points I want to make related to this diversity. I agree that effective co-housing projects can be designed in all residential zones. They will look quite different in those different places, and therefore it is a bit hard to define how you would do it. Enabling co-housing in the planning system risks creating loopholes with the construction of projects that are technically similar but functionally different.

THE CHAIR: Yes.

Mr Ross: Perhaps insisting on—as I think you put in your submission—resident-led co-housing projects, might be the key to managing that risk; I am not sure. I also want to make a point that it is not just for ageing in place, as you have heard from other people. There are people in every age group and all kinds of families who would choose to live in a cooperative community.

MR PARTON: Can I just ask—it is something we have not covered at all in this particular hearing—how does co-housing fit into a COVID lockdown?

Ms Le Couteur: I have read about that internationally, and it has generally seemed to work out reasonably well. Everybody has a space that is their space, and because they are part of a community they will have some space that they can socialise in. It is your next-door neighbour; you are not going to do the wrong thing. If masks are

appropriate, you would be wearing masks. Certainly, I have read about some co-housing developments in America where they felt they were coping better with it than the people stuck in very small apartments where they could go around and around in circles in their tiny apartment and that was it.

MR PARTON: Yes, but when we are referring to strict household lockdown, as is the case in parts of Sydney at the moment—and Mr Aitchison, I go to you—I assume you would find yourself in that residence as it was, in that dwelling, without being able to access a lot of the common areas. I mean, it is probably not really all that—

Mr Aitchison: It depends how you define it, I suppose.

MR PARTON: It does—very much so.

Mr Aitchison: These intergenerational-type arrangements that have been raised by some of the people in the hearing before ours, you might have parents of young children with their parents also living in separate dwellings but sharing some facilities. Nobody is going to make an issue of those people congregating in a living room. I would imagine that there would have to be arrangements made, but I just cannot imagine that if there was a co-housing development with a shared living area that these people could not, somehow, make arrangements to mix.

Ms Esdaile Bray: I would think it would depend very much on the style of the co-housing development. Do you have individual living facilities and can you—what is the word?—self-cater, or are you sharing as a single household, in which case you would treat it as a single household?

THE CHAIR: I would love to spend a little bit of time at the end here to talk about the definition of co-housing. It was in some of our submissions that it was a problem, but it has come out much more starkly today during the hearings about how much of a problem it is. We have heard from the directorate. The directorate tells us that there is no co-housing in Canberra, so that is quite interesting about the definition. We have heard from some people in the field, like Havelock House, who say they actually do not know what co-housing is. They do not know if they would be a boarding house, or a co-house, or what they would be. So there is obviously a great deal of confusion there. We heard in your submission that the definition we have before us is not good. We have also heard an interesting idea that maybe an inherent element of co-housing is that it is resident led. Is it useful for us to come up with a better definition? Should we recommend that there is a better definition and, if so, what is that definition?

Mr Ross: I have some thoughts.

Ms Le Couteur: Why don't you start? We all have some thoughts.

Ms Esdaile Bray: We all do.

Mr Ross: The problem with the planning system is all about these rules. As we heard from the Hawker people, you have the block on the corner, and it says you can do this and therefore you can just follow those rules. As an amateur coming in and being treated a lot like a developer as I got through this demonstration housing project, I am

a bit sympathetic to developers having to deal with the process they are in but also understanding how you just have to play the rules that are there at the time.

That brings us back to the quality argument. We should be looking at a planning system that thinks about quality issues. It comes back to the social value of co-housing, as well. The way I think about it is to do with the principles of co-housing that are used around the world. It is not immediately obvious to most people how co-housing differs from other housing choices. In Stellulata we follow the five principles of co-housing but only a couple of them are physically visible—and there is your first problem.

First, there is the participatory process. Residents participate in the design of the community so that it meets their needs. Okay, if you are walking in later you are finding what has been built for you, but I am talking about the creation process. Second, in the design of the neighbourhood, the physical layout and the orientation of the buildings encourages a sense of community and social interaction. You might see that physically if you are paying attention. The common facilities are the visible part. They are designed for daily use and they are an integral part of the community, but they are always supplemental to the private residences, so you have your own private space.

The fourth principle is resident management. Residents directly manage the co-housing community and perform much of the work required to maintain the property, which is a distinction from unit titling, to some extent. It is similar but not quite the same. Lastly, we have non-hierarchical structure in decision-making. Each person takes on one or more roles consistent with their skills, abilities and interests. Decisions are made collaboratively. Those are the principles we are following because those are the principles that most co-housing communities talk about and aim for. But how you make rules around that, I am not sure.

Ms Esdaile Bray: Unless you say something like, “It needs to be an internally managed as opposed to an external strata management,” that would preclude a lot of developers just coming in and going, “Let’s build something that complies with all of these things so that we can get more properties on this block, unit-title them and then sell it off, and just get a strata company to manage it.” You can form a strata company yourself to manage it if you need to, so long as it is internally managed as opposed to externally managed.

Mr Ross: We have actually been down this process. In the DV376, when you see it, we have asked for the right to unit title. We have been umming and aching for three years about which we would do. In the end we decided to stick with our company structure. We actually have a company that owns the development. That gives us more control over, for example, who you can sell to if you move out, or, if they inherit, who your estate can sell to. In a small unit—like three—you do not have as much ability to feel like you have built a culture and a structure and a community that would respect what happens later, and you do not have enough buffer to deal with one-third suddenly being owned by a company you do not know and have not met before and it is being rented out to a bunch of students or whatever it is.

So the key thing for us is to build a community, to have principles and a vision

statement and all the things that we are asking everybody to agree to as they come in. We decided, in the end, to have a company structure so that we can control who is able to buy and deal with shareholder agreements to manage that.

Ms Le Couteur: I will just make a couple of comments. The company structure is great and has all the advantages that Ian talked about; but, of course, it has a huge disadvantage. Basically 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. I lived in Nimbin, in a multiple occupancy, and one of our problems was that we had no exit strategy because, of course, when we started we had no thought that any of us would ever exit. In terms of the definition of co-housing, I think we need to step back and think why we want a definition of “co-housing” from a planning point of view. There are other reasons—social reasons—why you may want to say that this development is a co-housing development but what is the planning system’s interest in it, given that, as we have all agreed, we already have co-housing happening in Canberra in a way that is not recognised by the planning system?

How do they want to do it? How does the planning system want to do co-housing differently from other things, and how do they think they effectively can? I think we need to think more broadly about it. As Ms Bray has said, unit titling is one of the principal issues here. Do we need to think about what we actually want to unit title? There has recently been a development application in Phillip for the light industrial area on top of existing stuff, and they are planning to unit title 27 square metres. No one is objecting to that; it meets the criteria. It is just not in RZ1, obviously; it is in a mixed-use area. There are not many co-housing developments, I think, that would want to go smaller than a 27-square metre development. They have shared facilities. They have a shared toilet, a shared laundry and that. Why is that okay and it would not be okay to do it somewhere else? We have to think about what we are trying to do.

THE CHAIR: Should we take any final comments before we go?

Mr Ross: Given that the minister has asked you to sort this out, I am just wishing you good luck.

MR PARTON: Yes, we do not often get a response like that from the minister on an inquiry, do we?

THE CHAIR: That was good, was it not? Ms Bray.

Ms Esdaile Bray: I actually missed that comment because I was writing notes and then I heard your response. I was like, “Damn, what have I missed?” I will have to read the *Hansard*.

I just want to say that draft variation 365 fails to achieve its stated intention, which is to increase the diversity and housing links—the mix of dwelling sizes and diversity of dwellings. It has decreased the capacity to have boarding houses in RZ1, and it has provided a definition, not an adequate definition, for co-housing without providing any other provisions to make co-housing different. This is something that can already be approved under multi-unit dwelling provisions. It is already possible to section-off a bedroom and a kitchen and call that a communal area. So there are no additional

provisions made through draft variation 365. As Emma said, it is tinkering around the edges and barely even doing that. It is not actually achieving anything.

THE CHAIR: I was going to say that, on that basis, if it ceased to exist, it would not make much difference at all.

Ms Esdaile Bray: Yes.

Ms Le Couteur: Yes.

Mr Ross: I would like co-housing to be available sooner in all areas. Obviously, I am confident that we can demonstrate in our demonstration project that it is viable, but I do not know exactly how to pin that down. Perhaps seeing what comes out of the housing planning review might be relevant. Would there be harm done if you changed it to add RZ1 and let it go through? I do not know.

Ms Esdaile Bray: The real clincher—the thing that was valuable in the draft version, not the recommended version—was, “Do not limit the number of dwellings for co-housing. Co-housing will be considered separate dwellings and the plot ratio site coverage provisions will control the scale of co-housing developments.”

Mr Ross: That would make sense.

Ms Le Couteur: That was the big plus.

Ms Esdaile Bray: Yes; that was the thing that actually made DV365 worthwhile, and that was removed, basically without comment, in the recommended version. As such, there is no provision that makes co-housing any different to multi-unit housing.

THE CHAIR: Yes, interesting.

Ms Esdaile Bray: Whereas if we did go back to that, we could permit smaller blocks than 1,050 because it is actually really quite possible to have co-housing on smaller blocks. There is an excellent example of what could be co-housing, which operates more as a boarding house, down the road from me. I will not tell you where I am because it is not legal, but it is 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.

THE CHAIR: Interesting. Except that there is no co-housing in Canberra, so—

Ms Esdaile Bray: Well, it cannot be unit titled, so in that sense it is not co-housing that can be unit titled.

Mr Aitchison: I agree with everything that Ms Bray has said. I want to come back to

this idea of building of community, too, because people want community. This is evident in the growth of community gardens, in the growth of clubs, and in the growth of volunteer organisations. People are resisting this trend to live alone and not take responsibility for each other. People are coalescing with or without government support. One way that the government can encourage community—and it at least indicates that it is interested in doing so, with its rhetoric of “communities, not jails”, for example—is through co-housing. That is one more way that it can facilitate the building of community. I think that any variation to the planning laws should not just facilitate it but encourage it.

I think that that intent is written into the governing agreement. So I would like to see the regulation actively encourage it, and not relegate it to the boonies, and not proscribe it from 80 per cent of our residential areas. That is not facilitating co-housing. I think that would be my closing remark; thank you.

THE CHAIR: Ms Le Couteur.

Ms Le Couteur: I think I have said enough already, thanks. You know I could talk forever.

MS ORR: No comment, Ms Le Couteur.

THE CHAIR: Thanks very much for coming in. That has been really good, and it has been particularly useful to get on the record some examples of what exists and what is working. I think that is a real win from this particular session, thank you.

The committee adjourned at 11.36 am.