

August 13th, 2021

SUBMISSION

to the Legislative Assembly Committee of Community Services

Options to improve access to existing and alternate accommodation to address the social housing shortage

About Shelter

Shelter NSW has been operating since 1975 as the state's peak housing policy and advocacy body. Our vision is to create a sustainable housing system that provides secure homes for all.

We pursue our vision through critical engagement with policy and practice and thought leadership. We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality.

We are especially concerned for low-income households which struggle to afford good-quality and well-located housing in the private market.

Our approach involves engaging, collaborating and connecting with Government, the private and not-for-profit sectors, stakeholders and consumers. Our research centres on the causes of inequity and injustice in the housing system.

Shelter NSW is concerned about the housing crisis in NSW and the rising trends in homelessness; housing rental stress as well as the impacts of poor-quality housing, particularly on low-income households. Lower-cost properties are being steadily replaced with new ones at higher rents, and new concentrations of disadvantage have been created across our major cities as low-income households are displaced.

Of course, this was the case well before the economic impact of the Covid-19 pandemic took its toll on large sections of the workforce and across a wide section of industry.



Opening Comments

Shelter NSW thanks the Legislative Assembly Committee on Community Services for the opportunity to comment on the Inquiry into *improving access to existing and alternative accommodation to address the social housing shortage*. In this submission we comment on sections a), b), and c) of the terms of reference and offer practical suggestions or observations that may bring new light to the topic.

Shelter NSW commends the NSW Government for its commitment to developing a 20-year housing Strategy ([Housing Strategy 2041](#)) and for its explicit commitment to [reducing street homelessness by 50 per cent by 2025](#). We note and support the dual housing strategy high-level goals of *providing immediate support for people experiencing homelessness* and the commitment to *providing better housing across the state*.

Our understanding is that this Inquiry will primarily focus on the ‘immediate’, by offering recommendations to strengthen the Government’s program to *seek vacant land and buildings to establish temporary supportive accommodation (TSA) to those in communities who need it the most (where the TSA will support people at risk of homelessness for up to two years, while longer housing solutions are planned)*¹. This is detailed in the *NSW Housing Strategy Action Plan 2021-22*:

2.6.2 Partner with local governments, the community housing sector and developers, to trial ways of facilitating temporary supportive accommodation options for people experiencing homelessness. This could include unlocking the development potential of land or buildings as they are waiting for their intended long-term use by facilitating short-term housing options on a case-by-case basis. These trials may allow the expansion of such approaches in the future

In this submission we will offer our most specific and detailed comments on the topic of ‘meanwhile use’. As the Committee is no doubt aware, ‘Meanwhile use’ can be described as the short-term utilisation of temporarily empty buildings such as aged care facilities, residential premises, retail, and office buildings until they can be brought back into commercial operation or demolished. Besides the logistical requirements required in refitting such sites we have been advised that there are currently a number of planning hoops frustrating the efforts of some from community and ‘for purpose’ sector organisations wanting to apply it.

¹ [NSW Government website - Strategy to reduce homelessness](#)



Advocates of ‘meanwhile use’ (including the NSW Government, we assume) argue that it is pragmatic and practical; making good use of otherwise empty spaces. At best, it enables options such as Temporary Supportive Accommodation (TSA) – currently in short supply.

Detractors of ‘meanwhile use’ however, note that these approaches provide comparatively very little additional housing compared to overall need; open the way for potentially unscrupulous developers to take advantage of community organisations and their clients and with some risk to important health, safety and wellbeing requirements (especially for vulnerable cohorts). More broadly they can distract governments from the bigger question – when the ‘meanwhile use’ ends then what happens to the people living there?’²

Shelter NSW asserts that there is no substitute for dramatically increasing the stock of social and affordable rental dwellings across NSW. ‘Transitional housing’ options should be temporary, as people move into longer-term secure, appropriate and affordable housing.

However, we do recognise that there are many organisations such as some women’s shelters and churches valiantly trying to promote some excellent examples of these types of ‘meanwhile use’ developments; often supported by local councils and community housing but thwarted by planning regulations that only serve to chew up the ‘meanwhile use’ time when something useful might have been provided. In this submission we will make some very specific recommendation about the need for technical changes in planning regulations to facilitate ‘meanwhile use’

While we do support innovative solutions to housing people in need, we do so against the backdrop of our long-held advocacy for the following; that the NSW Government must:

- **Dramatically increase the stock of social housing across NSW**³. Social housing is not just required to house homeless people – it protects vulnerable people from becoming homeless in the first instance. Temporary, time-limited accommodation options as an alternative to long-term social housing will not deliver sustainable outcomes for decreasing homelessness rates in NSW⁴. Shelter NSW calls on the NSW Government to build or acquire 5,000 additional social housing dwellings per year for 10 years⁵. Generally

² Refer recent comments made by Shelter NSW CEO John Engeler was recently asked to comment on the City of Sydney’s proposal for accessing vacant student accommodation to be used as transitional housing for women at risk: [City Hub article](#) 1 August, 2021

³ Our submission uses terms as ‘social housing’, ‘public housing’, ‘community housing’, and ‘affordable rental housing’. These are distinct terms which we have attempted to briefly define in Appendix A.

⁴ Shelter NSW. (February 12, 2021). *Pre-Budget Submission to NSW Department of Treasury*. Retrieved from <https://shelternsw.org.au/wp-content/uploads/2021/02/2021-Pre-Budget-Submission-Shelter-NSW.pdf>

⁵ Ibid, p. 4.



well-meaning and well-funded crisis approaches like *Together Home* are undermined by the lack of long-term housing available to program participants. This position was supported by the NSW Auditor-General noted earlier this year, ⁶.

- **Advocate to the Commonwealth Government for reform of financial and taxation policies distorting the housing market and fix the social security safety net to eradicate poverty and inequality** (*Raise the Rate* campaign⁷, Commonwealth Rental Assistance increase and address financial hardship faced by asylum seekers⁸). These may include tighter home loan lending laws and reforms to tax concessions to curb the upward trajectory of speculative housing investments⁹, which in turn prices out marginalised and very-low income tenants from the private rental sector.
- **Stop growing the pool of people who have precarious housing, by:**
 - increasing private market tenancy protections by removing ‘no-grounds’ evictions which can be used to circumvent limits to annual rent increases¹⁰ and outlawing rent-bidding¹¹ (as is being considered in other jurisdictions)
 - ensuring its own processes for ‘exiting’ or ‘transitioning’ people do not in fact tip people into housing precariousness and homelessness. Key systems include corrective services (including juvenile justice), health and out-of-home care (noting the disproportionate impact on Aboriginal people in each of these systems)

Safe and secure housing is an essential element of youth diversion. ¹² These words open a chapter in a NSW Parliament Law & Safety Committee report about the youth diversionary programs; but could equally apply to any number of cohorts mentioned in this last dot point. This submission will confine itself to some very specific matters relating to ‘meanwhile use’ but we do offer up, at Appendix D, some reminders about the criticality of housing for the achievement of other *Premier’s Priorities* relating to youth support, education and recidivism.

⁶ NSW Audit Office. (June 4, 2021). *Performance Audit: Responses to homelessness*. Retrieved from [NSW Office of the Auditor-General website](#)

⁷ ACOSS, [Raise the Rate](#)

⁸ Jesuit Refugee Service, 13 August, 2021 [high-levels-of-homelessness-amongst-people-seeking-asylum-in-sydney-new-survey](#)

⁹ Pawson H, Milligan V, and Yates J. (2020). *Housing Policy in Australia: A case for system reform*, Section 6.3. Singapore: Palgrave MacMillan.

¹⁰ Gramenz, E. (June 19, 2021). *Proposed changes to leasing and tenancy agreements for renters met with mixed reactions*. ABC News. Retrieved from <https://www.abc.net.au/news/2021-06-19/qld-rentals-renting-lease-tenancy-agreements-laws-changes/100227230>

¹¹ Burnside, N. (August 7, 2021). *Bidding on rentals could be restricted in the ACT as government moves to introduce tenancy reforms*. ABC News. Retrieved from [ABC News website](#)

¹² [Parliament of NSW Legislative Assembly Law & Safety Committee, The Adequacy of Youth Diversion Projects in NSW \(Sept 2018\)](#)



One overall recommendation we have is that any creative or flexible applications of ‘meanwhile use’ be pursued with some of these specific, vulnerable cohorts in mind – whether it be older women, women and children fleeing domestic violence or young people leaving juvenile justice or out-of-home care (OOHC). We think this will focus the mind and efforts of all parties involved, encourage people-centred design and provide sound case studies for scaling up some approaches.

Response to Terms of Reference

a) Options to better support 'meanwhile use' (temporary supportive accommodation) and the current major planning barriers to 'meanwhile use'

Background - what is meanwhile use?

Currently, there is a serious shortage of affordable or alternative housing options across NSW, and this impacts communities across several areas – from mental and physical health, to domestic violence, and overall community cohesion and strength.

Notwithstanding Shelter NSW’s firm position that NSW requires a large and urgent addition to its social housing stock, we do support any innovative and localised effort to provide appropriate temporary or transition housing.

‘Meanwhile use’ can be described as the short-term utilisation of temporarily empty buildings such as aged care facilities, residential premises, retail, and office buildings until they can be brought back into commercial operation or demolished. It makes use of empty spaces in advance of development instead of hiding spaces away behind hoardings and helps protect the building from vandalism. ‘Meanwhile use’ ensures that redundant buildings or vacant development sites be occupied for the time it takes for end-use development approval, providing benefits to the local community in a variety of ways. As well as making the best use of vacant building stock, temporary supportive accommodation can align with local government housing strategies and stimulate local economies.

Key issues in the planning system – theory versus practice

Shelter believes that while the current planning framework theoretically supports ‘meanwhile use’ in practice it can be very difficult to apply, especially given the timeframes involved.

Specifically, the planning framework defines and describes ‘hostels’ and/or ‘transitional group homes’ in the Standard Instrument LEP Dictionary:



Hostel means premises that are generally staffed by social workers or support providers and at which—

(a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

(b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note— Hostels are a type of residential accommodation.

Transitional group home means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

Note— Transitional group homes are a type of residential accommodation.

In practice, however, approvals to apply for ‘hostel’ or ‘transitional group home’ uses can be cost-prohibitive, complicated, and time-consuming. This frustrates the efforts of many. We recognise that there is confusion from Council-to-Council and stakeholder-to-stakeholder about the applicability of these existing land use definitions. This is particularly the case whereby existing land use definitions ‘hostel’ or ‘transitional group home’ would be prohibited land uses in some zonings.

A representative from the Planning Cluster at DPIE has verbally confirmed their view that the intent of meanwhile use or other temporary supportive accommodation could sit neatly within existing land use definitions, such as ‘hostel’ or ‘transitional group home’ above. There exists, however, two main blockages to significant uptake of ‘hostel’ or ‘transitional group home’ for meanwhile use:

- The temporary, time-limited nature of meanwhile use can make it cost-prohibitive to seek out development consent through a Development Application for hostel/transitional group home particularly when Specialist Homelessness Service Providers or Community Housing Providers are trying to appeal to the philanthropic nature of private developers
- The change of use required in the current planning framework from, say, an abandoned office building to hostel/transitional group home requires these land uses to be permitted per the Land Use Table of the relevant zoning LEP which applies to the abandoned office



building. Oftentimes, residential accommodation types are prohibited in Industrial, Business, Infrastructure, and Recreation zones.

It is pertinent at this stage to highlight that DPIE has indicated planning reforms to land zones prefixed B- and IN- in the Standard Instrument LEP¹³. Proposed changes appear to have the intent of making employment land zonings more flexible and responsive to various industries, and to allow better colocation of residential neighbourhoods with major employment hubs.

Infrastructure (SP-) and Recreation (RE-) zoned land is oftentimes owned by Councils, Crown, or other public authorities. Residential accommodation – including ‘hostel’ and ‘transitional group home’ – is prohibited in these zones. The only way to progress a Development Application for hostels/transitional group homes in any such zone where they are presently prohibited is to apply for temporary use consent under clause 2.8 of the Standard Instrument LEP. This option, however, places a day-limit on how long the otherwise prohibited use can be carried out for and the Standard Instrument LEP default is set to 52 days in any 12-month period. Justification through a planning proposal for Gateway Determination to increase the maximum number of days of temporary use would be required in most circumstances. This is a lengthy, costly exercise and depending on the willingness of the Council to which the LEP applies, the proponent (Specialist Homelessness Service Provider, Community Housing Provider) may be required to foot the bill for planning consultant fees and application fees to DPIE to consider the LEP amendment.

We are of the view that furthering the applicability of clause 2.8 of the Standard Instrument LEP through an additional subclause may be useful to all LGAs across the state who are looking to progress meanwhile use in their communities.

Recommendations in relation to meanwhile use in the existing planning framework:

1. **Clarification, through a *Planning System Circular* – on the applicability of existing definitions ‘hostel’ and ‘transitional group home’** needs to be provided in relation to the underlying objectives of meanwhile use/temporary supportive accommodation
2. We strongly encourage DPIE to **include ‘hostel’/‘transitional group home’** (or other future definition of ‘meanwhile use’/‘temporary supportive accommodation’) as **permitted land uses within most – if not all – land zone typologies that will replace B- and IN- zone types**

¹³ NSW Department of Planning, Industry & Environment (‘DPIE’). (July 12, 2021). *Employment Zones Reform*. Retrieved from <https://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Employment-Zones-Reform>



3. We propose that the following insertion to cl. 2.8(2) of the Standard Instrument LEP be considered (shown in b) blue font):

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for:

(a) a maximum period of 52 [or another number] days (whether or not consecutive days) in any period of 12 months, or

(b) in the case of development for the purposes of a hostel to be operated by a specialist homelessness service provider or community housing provider, a maximum period of 24 [or another number] consecutive months.

Issues regarding 'Complying Development' for meanwhile use

From here on, any references made to 'meanwhile use' (as yet undefined in the NSW planning system) is considered interchangeable with the existing terms 'hostel' and 'transitional group home'.

Shelter NSW has been working closely with Women's Community Shelters ('WCS') in the development of a proposal to include meanwhile use into the ARHSEPP. We are confident that WCS and other organisations working in this space have the relevant proven experience and expertise to deliver meanwhile use projects that assist for example, in reducing homelessness and domestic violence in NSW. We provided support to WCS in advocating to Minister for Planning and Public Spaces, Rob Stokes for changes to ARHSEPP. Their letter to Minister Stokes and DPIE set out the benefits of meanwhile use, as well as the barriers WCS have encountered in its practical application and proposal for reducing the barriers. Refer to Appendices B and C for detail)

Shelter NSW has very recently and informally confirmed with a representative of DPIE that the proposed Development Standards outlined in Appendix B have not yet been thoroughly reviewed with respect to Priority 2.6.2 of the *NSW Housing Strategy Action Plan 2021-2022*.

Shelter continues to advocate for the inclusion of meanwhile use as Complying Development. This would help organisations like WCS in achieving their goals.

Any sort of meanwhile use approval needs to focus on trauma-informed care, be delivered in a time-sensitive way, and cost-efficient to maximise the social value of underutilised land and incentivise private developers into entering negotiations with service providers for meanwhile use.

Complying Development, being a checklist approval against State-set Development Standards and determined within 14 days (by Council or external Certifying Authority) of lodgement, strikes the balance needed to advance meanwhile use throughout NSW.



Recommendations in relation to meanwhile use as Complying Development

4. In addition to the proposed baseline Complying Development Standards outlined in Appendix B, Shelter NSW recommends:
 - a) **Trauma-informed care and accommodation models** need to be enforced for meanwhile use (e.g., Development Standards ensure co-housing domestic violence victims and perpetrators does not occur), and
 - b) **Wrap-around support services must be able to be reasonably delivered** on-site or in close proximity to the meanwhile use.

Case Studies of meanwhile use

Notwithstanding the above planning blockages to meanwhile issues, it is noted that case studies are emerging of local Councils, Community Housing Providers, Specialist Homelessness Service Providers, and private actors working together to accomplish 'meanwhile use' solutions.

Shelter was pleased to recently meet with one such group - a private sector 'for purpose' group that is using its commercial and construction industry expertise and networks to help provide housing for low-income people. *Housing All Australians* was formed in Victoria but is expanding across the country. For more information about *Housing all Australians* and their work please see their website: [Housing All Australians](https://www.housingallaustralians.com.au).¹⁴

For an example of a 'meanwhile use' created by Uniting Care see this interesting story about a [Pop up Shelter](#) it repurposed from one of its out-of-use aged care homes. It has been turned into a temporary home for women aged 45 and over (part of the fastest growing cohort of homeless)

Further examples of meanwhile use can be found in Appendix C.

¹⁴ Committee Members and the NSW Government are encouraged to seek the insight of Housing All Australians NSW Chair Tony Harris who is currently facilitating 'meanwhile use' projects in NSW



b) Options to improve access to existing accommodation to provide community housing

How easy is it to deal with Government - Link2Home and social housing?

Other peak organisations and specialist in their fields such as Domestic Violence Australia, Homelessness NSW & Foundations often report on the challenges of the process of responding to referrals – especially within the rolling and compounding crises of drought, bushfires and the pandemic (now over 18 months) ¹⁵ Beyond the lack of crisis and social housing for people to be placed in, there does also appear to be complexity that arises from the referral system. Some of this pressure is said to be masked by the ‘no wrong door’ philosophy and made practically difficult by the increasing reliance on on-line systems. Shelter NSW supports any relevant sector calls for reform and support in this area.

Shelter NSW also notes that the general process of applying for and remaining an active, approved applicant on the NSW Social Housing waiting list requires a level of ability, access and perseverance. With waiting time in many cases 5-10 years, it is easy to imagine applicants worn down by the system. We surmise that the social housing waiting list – general and priority seriously underrepresents the true unmet demand that exist across NSW

Brokerage & Technological solution – Affordable Housing Information Exchange - Welcome Mat

‘WelcomeMat’ (<https://www.welcomemat.com.au/>) is an initiative co-founded by a NFP organisation and social impact investor. The purpose of ‘WelcomeMat’ is to platform all affordable rental housing options in one, easy to search database – similar to how one would search properties in the rental market on Domain.com.au or RealEstate.com.au. The benefits of this one-stop-shop for browsing affordable rental properties and connecting searchers with available properties are:

- Ease of access in applying for available properties
- Streamlined vetting of potential tenants for available properties
- Improved knowledge of housing criteria requirements amongst searchers
- Rapid updates being sent to searchers through alerts and notifications
- Critical time-saving component for providers and potential tenants.

¹⁵ [Survey-Analysis-Link2Home-and-Capacity-COVID-19.pdf](#) - Domestic Violence Australia, Homelessness NSW & YFoundations report May 2020.



The WelcomeMat initiative requires greater support and sponsorship at the local and state government level to enhance the number of listings on the platform. Because WelcomeMat is not considered an NFP due to equity investment by a social impact investor, government grant-funding barriers are further limiting WelcomeMat's reach across NSW.

Recommendations to improve access to existing accommodation for community housing

5. Investigate options to reduce barriers for brokerage and technological solutions to accessing affordable rental housing (the WelcomeMat initiative)

c) Options for crisis, key-worker and other short term accommodation models

Between 40 and 50 percent of young people exiting homelessness services move into a situation of further homelessness. This indicates a need for youth-specific social housing options which recognise their developmental needs, and their low and insecure incomes. Government policy needs to further research, embed, promote, and adequately resource integrated housing and support services models such as Youth Foyers which are showing great promise.¹⁶

Shelter NSW is currently preparing to release a report on the 'youth foyer' model, a model we suggest that if scaled up could make a major difference to vulnerable young people. We would be happy to share an advanced copy of the report if that would assist the Committee.

Technological solution – Community Hosting Program in partnership with Flatmate.com

Flatmate.com is advancing an initiative to match 'hosts'/owner-occupiers with 'lodgers' who are in need of local, affordable accommodation due to housing precariousness. This initiative is enabled on the Flatmate.com platform through a series of Community Host filters.

The premise of the Community Hosting initiative is that there may be homeowners with spare rooms wanting to help people in the local community who are struggling to secure a rental in the traditional rental market and are not yet approved or prioritised for community housing or public housing.

¹⁶ MacKenzie, D., Hand, T., Zufferey, C., McNelis, S., Spinney, A. and Tedmanson, D. (2020) *Redesign of a homelessness service system for young people, AHURI Final Report 327, Australian Housing and Urban Research Institute Limited, Melbourne*



At present, most accommodation options are listed in the Sydney region. Prior to COVID-19, there were apparently plans to include Newcastle and Lake Macquarie in the Community Hosting footprint. A pilot program for Bellingen Shire in partnership with the Housing Matters Action Group is set to occur in late 2021.

Shelter NSW understands the following parameters apply to the Community Hosting pilot program for Bellingen¹⁷:

- A local, centralised support agency must be nominated (Housing Matters Action Group), to act as the go-between for formalising host and lodger matches and coordinating the support needs of the lodger
- The host opts into 'Community Hosting' on Flatmate.com and their premises must go through a checklist to ensure it is suitable for lodgement
- Other background checks (police checks) are required to become a host
- The potential lodger is vetted by centralised support agency
- The centralised support agency negotiates the terms of lodging with the host.
- The parties are recognised in a 3-month probationary lodgement agreement, that if successful after three months, can advance to a Residential Tenancy Agreement under the Residential Tenancies Act 2010
- During the 3-month probationary phase, 2-week exit notices apply to the host and the lodger should the match no longer be considered suitable by either party.

The main barriers encountered in implementing this Community Hosting initiative are:

- Legal advice and costs required for hosts, lodgers, and centralised support agencies to understand their obligations and liabilities
- Costs for background checks and support to hosts and lodgers prior to and during the 3-month probationary period
- Localised, centralised support agencies may only be intermittently funded through government grants particularly if they are not registered Community Housing Providers or Specialist Homelessness Service Providers.

¹⁷ Housing Matters Action Group. (2021). *Bellingen Shire Community Hosting Program*. Retrieved from <https://www.housingmatters.org.au/current-projects/>



Recommendations for options for crisis, key-worker and other short-term accommodation models

6. Investigate scalability and support options for the Community Hosting initiative platformed on Flatmate.com, particularly in relation to funding centralised support agencies.

Summary of recommendations

In summary, Shelter NSW recommends the Committee undertake the following courses of action:

- Review all submissions in light of Priority 2.6.2 of the NSW Housing Strategy Action Plan 2021-2022 and make it known to all Inquiry submitters how their submissions have advanced Priority 2.6.2
- Make representations to DPIE that clarification – through a Planning System Circular – on the applicability of existing definitions ‘hostel’ and ‘transitional group home’ needs to be provided in relation to the underlying objectives of meanwhile use/temporary supportive accommodation
- Make representations to DPIE to include ‘hostel’/‘transitional group home’ (or other future definition of ‘meanwhile use’/‘temporary supportive accommodation’) as permitted land uses within most – if not all – land zone typologies that will replace B- and IN- zone types
- Make representations to DPIE for the following insertion to cl. 2.8(2) of the Standard Instrument LEP be considered (shown in blue font):

(2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for:

(a) a maximum period of 52 [or another number] days (whether or not consecutive days) in any period of 12 months, or

(b) in the case of development for the purposes of a hostel to be operated by a specialist homelessness service provider or community housing provider, a maximum period of 24 [or another number] consecutive months
- Consideration be given to meanwhile use as Complying Development in line with Appendix B, and that further Development Standards be explored:
 - **Trauma-informed care and accommodation models** need to be enforced for meanwhile use (e.g., Development Standards ensure co-housing domestic violence victims and perpetrators does not occur), and
 - **Wrap-around support services must be able to be reasonably delivered** on-site or in close proximity to the meanwhile use



- Investigate options to reduce barriers for brokerage and technological solutions to accessing affordable rental housing (the WelcomeMat initiative)
- Investigate scalability and support options for the Community Hosting initiative platformed on Flatmate.com, particularly in relation to funding centralised support agencies.



Appendix A – Glossary

Affordable rental housing¹⁸ = Very low, low, and moderate income earners are eligible for this type of housing through a social housing provider. These income brackets do not exceed 120% of the median income as determined for Greater Sydney region or Rest of NSW, as updated by ABS from time to time. Rental payments from tenants are usually set to 20-25% below market value. Some affordable rental housing schemes in NSW require tenant rent to not exceed 30% of household income (i.e., not be subject to rental stress in affordable housing accommodation).

Community housing¹⁹ = Generally delivered by Community Housing Providers (non-government organisations). Eligibility criteria for tenants also applies.

Public housing²⁰ = Generally owned and delivered by state bodies and departments such as the NSW Land and Housing Corporation and Department of Communities and Justice. Indigenous housing can be considered a specialised subset of public housing, particularly when owned and managed by the Aboriginal Housing Office. Strict eligibility criteria and prioritised waitlists apply to all public housing.

Social housing²¹ = In the NSW framework, social housing is an umbrella term that includes public housing and community housing. The intent of both public housing and community housing is to accommodate people on very low, low, and moderate incomes in affordable housing.

¹⁸ ARHSEPP, cl. 6; SEPP No 70 – Affordable Housing Revised Schemes, cl. 8

¹⁹ NSW Department of Communities and Justice. (2019). *Social Housing*. Retrieved from <https://www.facs.nsw.gov.au/housing/help/ways/social-housing>

²⁰ NSW Department of Communities and Justice. (2019). *Social Housing*. Retrieved from <https://www.facs.nsw.gov.au/housing/help/ways/social-housing>; Pawson H, Milligan V, and Yates J. (2020). *Housing Policy in Australia: A case for system reform*, Section 4.1. Singapore: Palgrave MacMillan.

²¹ State Environmental Planning Policy (Affordable Rental Housing) 2009 ('ARHSEPP'), cl. 4



Appendix B – Proposed Draft legislative reforms as drafted by Shelter NSW for inclusion in Women’s Community Shelters’ letter sent to Minister Rob Stokes on May 6th, 2021.

Meanwhile Use – short term supported accommodation.

We are proposing that the following draft Division 5 which sits under Division 4 Supported Accommodation in SEPP (Affordable Rental Housing) 2009. ‘Meanwhile Use – short term supported accommodation’ to be complying development.

Division 5 Supportive accommodation - Meanwhile Use

Development to which Division Applies

This Division applies only to existing residential, aged care or development, or Commercial Building to be used on a temporarily basis for up to 5 years for supportive accommodation.

Development Standards

The Division does not allow for the erection of any ancillary development facilities.

Development Standards

The Supportive accommodation - Meanwhile Use project must be managed by a registered Community Housing provider

Complying Development

Supportive accommodation - Meanwhile Use is defined as Complying development and may be undertaken without consent.

Subdivision Home businesses, home industries and home occupations

Development Standards

The standards specified for this development are that the development can involve a temporary change of building use for up to 5 years.

Note 1

The elements that must comprise this development are specified in the definition of **home business, home industry or home occupation** the Standard Instrument.

Note 2

Under the *Building Code of Australia*, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.

Subdivision Minor Building Alterations (internal)

Specified Development

- (1) minor internal building alteration for the replacement or renovation of -
- (A) a doorway, wall, ceiling or floor lining, or
 - (B) a deteriorated frame member, including stairs and stairwells, or
 - (C) a bathroom or kitchen, or
 - (D) a built-in fixture such as a vanity, a cupboard or a wardrobe, or
 - (E) an existing sanitary fixture, such as a grease trap or the like, or
 - (F) shelving or racking that is not higher than 2.7m, or
 - (G) a partition, work station or counter, is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.



(2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is development specified for this code.

Development Standards

The standards specified for that development are that the development must not

- (A) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (B) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (C) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
- (D) if it is the installation of a partition, work station or counter—
 - (i) comply with the requirements set out in the *Building Code of Australia*, and
 - (ii) if located beneath a fire sprinkler—not be higher than 1.5m, and
- (E) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*, and
- (F) not affect an existing awning, or more than 25% of the gross floor area of an existing building to which an awning is attached, unless the awning complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the *Building Code of Australia*.

Subdivision Minor Building Alterations (internal)

Specified Development

A minor internal non-structural building alteration, such as the following—

- (A) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (B) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
- (C) the repair to or replacement of a non-structural wall or roof cladding,
- (D) the installation of a security screen or grill to a door or window or a security door,
- (E) the repair to or replacement of a balustrade,
- (F) restumping or repairing structure foundations without increasing the height of the structure, is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.

Development Standards

The standards specified for that development are that the development must—

- (A) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (B) not reduce the existing fire resistance level of a wall or roof, and
- (C) if located on bush fire prone land—
 - (i) be adequately sealed or protected to prevent the entry of embers, and
 - (ii) use equivalent or improved quality materials, and
- (D) not affect any existing fire resisting components of the building, and
- (D1) if the development involves cladding or is attaching fittings or decorative work—
 - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and
 - (ii) not involve the use of external combustible cladding, and
- (E) not affect the means of egress from the building in an emergency, and
- (f) if it is the installation of a security screen or grill to a door or window or a security door—



- (i) be for the purposes of a dwelling, or
- (ii) be for any other purpose so long as—
 - (A) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or
 - (B) the security door is installed at least 5m from the boundary of any road, and
 - (C) not be under an awning, unless the awning complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the *Building Code of Australia*.



Appendix C – “Challenges in activating ‘Meanwhile Use’ Housing opportunities” – (extract from letter by Women’s Community Shelters to Minister for Planning & Public Spaces, Rob Stokes on May 6th, 2021)

	Opportunity	Proposed ‘Meanwhile Use’	Challenges	Outcome
Parramatta Women’s Shelter	2 x vacant residential properties land banked by developer and available for 3 years at no cost.	Interim location of Parramatta Women’s Shelter with capacity to accommodate up to 6 families across the two properties.	Permitted use is as general residential and as such, development consent is required for a change of use to permit a group home.	The costs and time associated with pursuing development consent were considered prohibitive in this case. The decision was made to occupy the properties at a reduced capacity to comply with the permitted use.
Beecroft House	Redundant aged care facility available for 2 years at no cost.	Transitional housing for single women exiting crisis accommodation and affordable housing for single women at risk of homelessness.	The permitted use is an Aged Care Facility and restricts use to accommodate people under the age of 55 without development consent.	The property is occupied according to the permitted use as there is sufficient demand for accommodation by women over 55.
Mosman House	Redundant private hospital available for 2 years at no cost.	Transitional housing for single women exiting crisis accommodation and affordable housing for single women at risk of homelessness.	The permitted use is a Health Services Facility and requires that health services be delivered on site. Aged persons accommodation is permissible but only with development consent.	Ultimately development consent was not required as WCS was able to demonstrate compliance with permitted use as a hospital through coordination of health care services to be delivered on site. However, the overall time the property will be available has halved due to these challenges in navigating the planning system.



Appendix D – Secure housing required to meet other NSW Government priorities

Example: Youth Diversion and Juvenile Justice

A 2018 Report by the NSW Legislative Assembly Law & Safety Committee (2/56), [The Adequacy of Youth Diversionary Programs in NSW](#) made a number of comments about the criticality of housing. An entire chapter is devoted to it, commencing with:

Recommendation 46

That the NSW Government increase the supply of social housing for young people who are exiting the custody of Juvenile Justice NSW; and for people under the age of 18 years more generally.

Not only did it note that housing is *important to stop young people becoming involved in the criminal justice system in the first place, it is essential to reduce the risk of re-offending. If young people do not have safe and secure housing they cannot connect effectively with services or employment and education, and are more likely to offend or re-offend.*

Concerningly, it noted that *in some cases young people who do not feel safe and supported will re-offend for the express purpose of returning to a Juvenile Justice centre*

Staff at the Reiby Juvenile Justice Centre on 5 July 2018, highlighted to Committee members the critical need for co-ordination between government agencies especially given how little appropriate housing is available for them. Shelter NSW noted a worrying observation recorded in the report, that *the search for accommodation cannot start until soon before release, as services cannot hold places for a particular release date.*

Shelter NSW Recommendation

- Given the potential consequences of a poor transition from the justice system, Shelter NSW calls on the NSW Government to commit dedicated funding and staffing to ensure that young people are actively supported to transition into secure, appropriate and well-placed housing well ahead of release. This will necessarily require a greater level of co-ordination between Government Departments and possibly new practices of ‘holding’ accommodation as part of the planning (a practice that even the most basic private sector housing booking systems offer)

