

Policy

Homelessness Policy

Version 2.0

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Homelessness Policy

Policy Objective

This policy outlines Council's commitment to preventing and reducing homelessness; and ensuring that homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status.

The policy covers all Council services, in particular:

- access to Council services and facilities
- interacting with homeless people in public places
- Council's regulatory activities
- strategic land use planning
- community development

Definitions

Homelessness: The ABS statistical definition states that when a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

- is in a dwelling that is inadequate; or
- has no tenure, or if their initial tenure is short and not extendable; or
- does not allow them to have control of, and access to space for social relations.

The Australian Bureau of Statistics uses the cultural definition¹ of homelessness, and this has been adapted and adopted for Tweed Shire. It recognises the diversity of homelessness and distinguishes between people in primary, secondary and tertiary homelessness:

- **Primary homelessness:** includes people without conventional accommodation such as living on the streets, sleeping in cars, in deserted buildings, improvised or substandard dwellings, under bridges, in parks etc.;
- **Secondary homelessness:** includes people moving frequently between various forms of temporary shelter including staying with friends and relatives, couch surfing, in emergency accommodation, youth refuges, hostels and boarding houses on a short term basis (12 weeks or less);
- **Tertiary homelessness:** includes people living in boarding houses (or similar) on a medium to long term basis (13 weeks or longer). Residents do not have separate bedrooms and living rooms; they do not have a kitchen and bathroom facilities of their own; their accommodation is not self-contained; and they do not have security of tenure provided by a lease.

Public places: For the purposes of this policy, public places are defined as land, buildings or places that are accessible to the public and are designated, regulated or managed by or on behalf of Council.

¹ Chamberlain, C. and MacKenzie, D. (2009) Counting the Homeless 2006 Western Australia.

Caravan Park: Refers to the twenty four compliant privately operated Caravan Parks within Tweed Shire. This policy excludes the seven Tweed Coast Holiday Parks situated on Crown Land as these parks are required under the Crown Land Caravan Parks Policy to provide sites for short-term tourist accommodation only.

Policy Background

This Policy is a response to the Australian White Paper on Homelessness, *The Road Home* (2008) and *A Way Home: Reducing Homelessness in NSW and the NSW Homelessness Action Plan* (2009-2014) for the North Coast. It also responds to the Northern Rivers Regional Social Plan (2013-2018) which sets out to achieve a region of appropriate and affordable housing where no one has to be homeless (Outcome 6). These documents seek to improve early intervention to prevent and reduce homelessness in Northern NSW.

In addition, the National Affordable Housing Agreement 2012 is an agreement between the Federal Government, all States and Territories as well as Local Governments. It establishes a framework for all parties and sets out the objective that all "Australians have access to affordable, safe and sustainable housing that contributes to social and economic participation" (p3). The Australian Government, with the agreement of state and territory governments, set two headline goals to guide the long term response to homelessness: to halve overall homelessness by 2020 and to offer supported accommodation to all rough sleepers who need it by 2020 (*The Road Home*, 2008).

Tweed Shire Council's Community Strategic Plan 2013 - 2023 commits to working closely with government and community organisations to improve services to disadvantaged groups to build stronger and more cohesive communities; and to support the supply of affordable housing to reduce housing stress and homelessness. In addition Tweed Shire Council's Youth Strategy and Action Plan (2013), Access and Inclusion Policy (2014), and Age Friendly Policy (2015), all work to address needs, issues and opportunities that will improve life for people within Tweed Shire, which includes those experiencing homelessness.

Networking between the community and government on homelessness and housing issues in Tweed Shire, occurred through the Tweed Interagency Group in the 1980's and through Tweed Integrated Support Services for Youth (TISSY). In 2011, the Northern Rivers Social Development Council (NRSDC) and Southern Cross University undertook research on service integration in a regional homelessness service system. This work included assisting with the formation of the Tweed Shire Housing and Homelessness Network (TSHHN). The aim of the network is to build an innovative and integrated housing and homeless service system in the Tweed Shire, through maximising opportunities to address homelessness and housing needs at all levels.

In 2013, Tweed Shire Council (TSC) commissioned research to investigate homelessness issues in Tweed Shire, resulting in the adoption of the Homelessness Issues paper by Council on 21 November, 2013. On 30 January 2014, staff from TSC's Community and Cultural Services Unit facilitated a strategic planning workshop with members of the network. The findings of the issues paper and strategic planning workshop informed the TSHHN Strategic Plan (2014-2019). This Policy is consistent with the NSW Protocol for Homeless People in Public Places (May 2013) and the

recommendations of the Tweed Shire Homelessness Issues paper (2013), the Tweed Shire Housing and Homelessness Network Strategic Plan (2014-2019), and the NOROC Affordable Housing Strategy (2013) (*links are mapped in Appendix 1*). The Policy seeks to prevent homelessness and ensure homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homelessness status.

Tweed Shire Context

According to Australian Bureau of Statistics, there was an estimated 308 homeless people in Tweed LGA in 2011². Of this number, 14% were classified as primary homeless, 60% were classified as secondary homeless and 26% were considered tertiary homeless. In comparison to NSW, Tweed LGA had a higher percentage of primary and secondary homeless people in 2011. Council is committed to reducing the number of people experiencing homelessness in the Tweed Shire.

The primary reasons why people experience homelessness in NSW are domestic violence and relationship issues (31%), followed by accommodation issues (28%), financial difficulties (22%), 'other' reasoning (12%) and the lowest category is health reasons including mental health issues and substance abuse (7%)³. There are groups of our community that are particularly vulnerable to homelessness and these include people experiencing domestic and family violence or relationship break downs, young people presenting alone, unemployed people, singles, older people, people with problematic drug and alcohol use, and those with a current mental health issue. However, increasing numbers of people are becoming homeless or at risk of homelessness and it is an issue that could affect anyone.

Appropriate service support and interventions can prevent and reduce the numbers of people experiencing homelessness, however, the population of Tweed Shire is expected to grow by a further 18,069⁴ people by 2026. In addition, a high proportion of the community are aged over 55 (36%)⁵, the Tweed Shire has the highest prevalence of dementia in NSW⁶, and domestic violence related major offences exceed the NSW rate⁷. Service gaps (eg. people aged 55 and over) need to be filled, and housing and homelessness support services need to be targeted to recognise the variance in vulnerability, and need expanding to meet the growing need. In addition, there are also significant barriers to secure housing, including lack of supply options (private and public) which can perpetuate the demand for a crisis response.

According to the census, there are approximately 35,886 households in Tweed Shire. Of these, 24% are renting privately and 3% are renting social housing (ABS, 2011). Due to the increased demand for social housing, the government is targeting people in extreme need, resulting in longer social housing waiting lists. For example, people in Tweed Heads can be waiting at least ten years for a 1-3 bedroom house. Affordable housing is not the same as social housing; you do not have to be eligible for social housing to apply for affordable housing which is open to a broader range of household

² ABS Customised Data for the Tweed Shire Homelessness Issues Paper (p20)

³ Homelessness Australia data for NSW sourced from ABS, *Census of Population and Housing: Estimating Homelessness*, 2012

⁴ Forecast.id: population and age structure map, 2011 to 2026

⁵ ABS 2011 Census Data

⁶ Alzheimer's Australia NSW and Deloitte Access Economics, 2014

⁷ NSW Recorded Crime Statistics, March 2015

incomes. Rent is calculated differently and there are different tenancy arrangements. However, affordable housing properties may be available to people who are also eligible for social housing and are on the NSW Housing Register, and also to people who are exiting social housing (Housing NSW).

Housing affordability and availability (private and public) is directly linked to homelessness and is a critical factor in the health and well-being of the community. It has become a significant social and economic problem, one that has risen considerably as an issue across Australia between 2006 and 2011. A Housing Affordability report responding to a Question on Notice was taken to Council on 15 May 2014 and identified that the Tweed Shire consistently ranks higher for mortgage stress and rental stress in comparison to regional, state and federal averages - see Table 1. Housing stress (mortgage and rental) is defined⁸ as households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs. The availability of rental properties is becoming increasingly scarce and expensive; the average median weekly rent for a 3 bedroomed dwelling in Tweed Shire is \$400⁹, an increase of 5.3% from 2014 to 2015.

Table 1: Percentage of total households experiencing mortgage and rental stress¹⁰

	Tweed Shire	Regional NSW	New South Wales	Australia
Mortgage Stress	16.5	11.4	11.5	10.6
Rental Stress	40.0	29.6	26.7	25.1

In the absence of crisis and short-term accommodation, people are sleeping in their cars and service providers are resorting to the use of camping and caravan parks for people experiencing homelessness. Caravan parks include a range of housing options; from tent pitches and rented caravans, through to owner-occupied large (and relatively expensive) manufactured homes. Many permanent residents own the caravan or manufactured home they live in while renting the land the home sits on. Long-term residents comprise people who choose Caravan Park living as their primary form of housing for lifestyle reasons (predominantly older people), people who travel with work and do not wish to tie themselves to any one residency and people who are unable to access other forms of housing in the private, public, or community housing sectors.

According to the 2011 ABS census, 1416 households (dwellings) were on caravan/residential park or camp ground sites, amounting to 4% of all Tweed Shire dwellings. This is as high as 12.8% in the Kingscliff/Fingal Head SA2 area. It is estimated that there are in excess of 3,000 people living permanently in Caravan Parks within Tweed Shire (Fair Trading NSW, 2014).

Permanent caravan sites are reducing in number through closure or development and land use planning changes associated with caravan park status (caravan parks are perceived as low cost temporary uses of land). This leads to evictions and resulting homelessness as many cannot afford, or cannot find an option to relocate their cabin or move to a hostel or nursing home (insufficient asset value and funds). Issues and risks

⁸ Defined as per the National Centre for Social and Economic Modelling (NATSEM model)

⁹ NSW Government Rent and Sales Report, March quarter 2015

¹⁰ ABS Census Data 2011

confronting residents in caravan parks include lack of security of tenure, inadequate housing standards, risk of homelessness, minimal access to services, and a lack of support in asserting tenancy rights. However, in response to severe shortages of affordable housing alternatives in Tweed Shire, caravan parks can provide an affordable option at the present time. For example, the closest state funded crisis service is over the border in Queensland, in the state of NSW the nearest is Lismore. It has also long been recognised that there is a lack of exit points from crisis and short-term accommodation assistance, into medium or longer term housing.

It is apparent that the rise in homelessness is linked to issues of affordability and the unavailability of crisis, short-term and longer-term affordable housing options (public or private). These are critical issues that need to be addressed in Tweed Shire.

Underlying Principles

Preventing homelessness is a social issue that cuts across all units and sections of Council. Council's Homelessness Policy is based on the following principles that draw on the NSW Protocol for Homeless People in Public Places (2013):

- Homeless people behaving lawfully have the same entitlement as any member of the public to:
 - be in public places, at the same time respecting the rights of local communities to live in a safe and peaceful environment
 - access public services and facilities
 - participate in public activities or events, and
 - carry and store their own belongings.
- Council officers who work in areas where their responsibilities are likely to bring them into contact with homeless people will receive sufficient information and training to enable them to assist homeless people, and help them make contact with appropriate services.
- Homeless people have diverse backgrounds and needs, these should be considered in any response:
 - Cultural sensitivity and respect should be applied when engaging with homeless people and those from different cultural, linguistic or religious backgrounds.
 - Officials should use interpreter services to assist with referring people to relevant services as required.
 - Homeless people may have experienced issues that affect their needs. For example, they may have experienced domestic violence or left custody or statutory care, or they may be asylum seeking refugees with no contacts in the community.
 - Many homeless people have complex needs and these issues may result in behaviour that is seen to be antisocial.
 - The Policy does not override existing laws, statutory requirements or regulations.
- Homeless people have the same access to a right of reply and appeals/complaints mechanisms as all members of the public.

- Council is committed to ensuring homeless people are treated respectfully and appropriately and are not discriminated against on the basis of their homelessness status.

Policy Statement

Council has a responsibility to meet commitments under state and federal legislation to follow standards and guidelines for universal access and social inclusion in its provision of services, facilities, programs, planning and regulatory processes. This policy sets out Council's commitment to act within its responsibilities and work with other agencies to prevent and reduce homelessness in Tweed Shire. This policy commits Tweed Shire Council to:

Education and Advocacy:

- Advocate for those experiencing homelessness, through increased community awareness of the issue and identifying how people can help, through events, information distribution, and the media
- Build willingness in the community to welcome and support people who are homeless, or at risk, to participate in community activities and services
- Ensure all members of the public are entitled to access Council services and facilities and will not be discriminated against on the basis of their homelessness status
- Lobby Government and advocate for sustainable resources for social housing options and homelessness support services, particularly case management, supported crisis accommodation, and transitional and affordable housing options
- Advocate for the private sector (real estate and housing developers) to take responsibility and work with Council and community housing providers in Tweed Shire to respond to the growing challenges of housing affordability and homelessness
- Promote the opportunities and planning mechanisms that exist in Tweed Shire to increase affordable housing provision, for example the opportunity for secondary dwellings
- Continue to acknowledge and support the critical role that caravan parks play in the affordable housing market for people who currently have long-term tenure, and for those individuals or households that may have limited choices due to lack of other provision (in particular because of Tweed Shire's ageing population)
- Ensure that all long-term caravan park residents are provided with appropriate information on their tenancy rights as required under existing legislation

Facilitation and Coordination:

- Provide secretariat support and maintain an active role in the Tweed Shire Housing and Homelessness Network, and assist the Network to develop stronger structural arrangements
- Maintain up to date information on Council's website on homelessness support services and identify where people can donate clothing or items for those experiencing homelessness in Tweed Shire
- Ensure information on homelessness support services is made available in key public places and locations across Tweed Shire, for example through Schools, libraries, community and cultural facilities and centres

- Collaborate and integrate service delivery and training with Police, health, housing and welfare services in the region, and outside with cross-border services, to prevent and reduce homelessness
- Determine designated sites to provide coordinated homelessness support in partnership with the Tweed Shire Housing and Homelessness Network and mobile food services
- Increase cooperation and liaise with other local governments, public sector bodies, not-for-profit groups, local agencies, the business community, real estate providers and local neighbourhoods to develop strategies to prevent and reduce homelessness
- Support homelessness services and housing providers to increase the availability of different forms of housing assistance appropriate to the specific needs of individuals and families as their circumstances change over time (considering both affordability and security of tenure)

Council Services and Compliance:

- Establish a bi-monthly internal co-ordination group for Council service collaboration to prevent and reduce homelessness
- Increase understanding of staff and Council members on the nature, impacts and challenges of homelessness and build the capacity of Council officers who engage with people who are homeless, including but not limited to appropriate referral to local support services
- Ensure first responders (Council employees who are likely to be among the first to assist) are trained and equipped to facilitate access to appropriate support for people who are homeless or at risk
- Develop a protocol or MOU with the Police, to improve lawful signage and timely responses to: address antisocial and unlawful behaviour in parks and public places; and to enforce move on notices in no camping areas
- Identify options, with the community, for the designation of affordable and controlled camping and parking sites for short-term overnight camping with minimum services
- Encourage and support entrepreneurship and the creation of local employment and local procurement opportunities through Councils Economic Development Strategy.

Land-use Planning

- Prepare an Affordable Housing Strategy for Tweed Shire LGA utilising the work undertaken to-date as part of the NOROC *draft Northern Rivers Regional Affordable Housing Strategy (2012)*, to deliver and be inclusive of:
 - a project working group or reference panel of key Council, government, NGO, and stakeholder representatives;
 - a consultative network forum for the open exchange of information sharing and gathering aimed at improving the awareness of all issues and opportunities regarding access and supply of affordable housing. The network to be open to all stakeholders, including representatives of community, welfare and housing organisations, development and building industry providers and peak bodies, real estate, property investors and other relevant groups.

- tangible and practical solutions matched to and capable of assimilation into the NSW Planning System;
- establish a key lobby or action group to advance key issues with State and Federal government requiring legislative change or reform, or for sourcing grant funding;
- identification of Council owned facilities or land that could be adapted or repurposed for social and community housing provision, in particular to provide sustainable crisis and short-term accommodation;
- identify opportunities, strategies, or assessment parameters aimed at increasing the stock of adaptable and affordable housing.
- identify criteria for assessing the social impacts of development proposals that include reducing homelessness and improving housing affordability

Monitoring and Research:

- Prepare and maintain a spatial database and corresponding map detailing the quantum and location of social and affordable housing, and the relative level of housing affordability.
- Work across Council, and with the Tweed Shire Housing and Homelessness Network, the community, and the Police, to collect and monitor data and emergent trends for homelessness on an annual basis, and to establish relative annual demand for the full range of social and affordable housing.
- Undertake a vulnerability assessment of Tweed residents housed in caravan parks that considers their geographical location, social context, and future threats.

The Policy does not prevent Council from taking appropriate action where health or safety is at risk or a breach of the peace or unlawful behaviour has occurred. It does not reduce Council's powers or authority to enforce specific laws and regulations.

If homeless people require assistance, Council officers should:

- Involve appropriate services directly
- Provide advice or information on available services
- Provide a contact point that the homeless person can either call or go to for further advice or help.

Related Legislation

SEPP Affordable Rental Housing 2009
 Local Government Act 1993 7(b,d); 8(1)bullet point 9
 Residential (Land Lease) Communities Bill 2013
 Residential Tenancies Act 2010
 Environmental Planning and Assessment Act 1979 5(a)(i,v,viii)
 Planning Bill 2013 1.3(a)(c)(d)
 Tweed Local Environment Plan 2014 (1.2(2)(a,b)
 Tweed City Centre Local Environment Plan 2012 (1.2(2)(a,b))
 Tweed Shire Community Strategic Plan (2.2.2)
 Commonwealth Disability Discrimination Act 1992 (DDA)
 NSW Disability Services Act 1993
 NSW Anti-Discrimination Act 1997
 Disability Discrimination Act 1992
 Law Enforcement Powers and Responsibilities Act 2002

Compliance

Implementing this policy requires all Council staff to cooperate internally across units and externally with government and community support agencies, to reduce homelessness in Tweed Shire.

Specific responsibilities are identified for Council Units in the Policy Statement and the designated officers listed below are required to complete training on homelessness every two years. The training will include an understanding of the issues surrounding homelessness and the services available in Tweed Shire, providing the necessary information and referral options to control risk, and enable officers to respond appropriately:

- Customer service officers
- Community development officers
- Recreational service officers and caretakers
- Staff who work in community and cultural facilities (including libraries, art gallery and museum staff)
- Compliance services staff
- Tweed Coast Holiday Parks and Caravan Parks staff
- Visitor Information Centre staff
- Other relevant Council officer positions identified by the Director CNR/ GM/ Executive Management Team

Forms

Not applicable.

Review Period

This policy will be reviewed by October 2016 (12 months after endorsement by Council) to assess if the policy's objectives are being achieved. The review will consider input from internal and external stakeholders including designated Council officers listed in this policy and government and community service providers including, members of the Tweed Shire Housing and Homelessness Network.

Useful Links and Documents

[Tweed Shire Homelessness Issues Paper, 21 November 2013](#)

[Tweed Shire Homelessness Services web page](#)

[Housing NSW](#)

[Anti-Discrimination Board NSW](#)

[Australian Human Rights Commission](#)

[Tweed Shire Community Strategic Plan](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
<i>Eg: 1.1</i>	<i>Brief overview of changes made: Eg: Amended legislation, Major Re-write to enhance content, etc.</i>	<i>dd/mm/yyyy</i>

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Appendix 1:

Policy Area	Tweed Shire Homelessness Issues Paper (Nov 2013)	NOROC Northern Rivers Regional Affordable Housing Strategy (Nov 2012)
Education and Advocacy	4.2.1 <ul style="list-style-type: none"> • Advocate to other Governments for short term/crisis accommodation in the Tweed Shire local government area. • Make residents aware of the opportunities for secondary dwelling development in the Shire. • Advocate for changes to income tax that may inhibit the effective use of secondary dwellings and the rental of rooms in dwellings (for example, for boarders). • Consider providing seed funding for education and community awareness project. • Considers providing support for a Homeless Connect event one to two times each year. 4.3.1 <ul style="list-style-type: none"> • Consider a specific project relating to education and community awareness 	<ul style="list-style-type: none"> • Action 4. Briefing councils and education program • Action 5. Housing forums and partnerships for research and pilot projects • Action 6. Education of local communities and facilitating local partnerships to build affordable housing • Action 16. Seek to establish an investment agreement with the NSW Government to increase social housing • Action 17. Seek to establish a land transfer or long-term use protocol with State Government for land
Facilitation and Coordination	4.2.1 <ul style="list-style-type: none"> • Maintain an active role within the Tweed Shire Housing and Homelessness Network. • Assisting the Tweed Shire Housing and Homelessness Network develop stronger structural arrangements supporting some practical projects including direct responses to clients (such as case coordination). This should include a purpose/vision, objectives, roles, responsibilities, a prioritised action plan and decision making provisions. • Shared training involving police, Council officers and the real estate industry is explored. • Consider producing a services referral and information directory to assist internal staff in their direct engagement with homeless people. 	<ul style="list-style-type: none"> • Action 6. Facilitate provision of affordable housing • Action 15. Brokering development finance • Action 18. Examine the feasibility of establishing a regionally administered regional affordable housing fund and land trust
Council Services and Compliance	4.2.1 <ul style="list-style-type: none"> • Consider encouraging the provision of a secured, supervised and controlled overnight parking site for cars and caravans for homeless and at risk people somewhere in the Shire. • Consider developing an internal training, coordination and 	

	<p>communication mechanism for all staff involved in directly engaging with homeless people e.g. referring them onto services and providing local law officers with the necessary information to be able to respond appropriately.</p> <ul style="list-style-type: none"> • Consider developing a protocol or MOU with Police to improve public space responses. <p>4.3.1</p> <ul style="list-style-type: none"> • Secure funding for a specialist public space liaison officer/s. • Actively work with mainstream Council roles within Council and Police to develop a shared model for addressing public homelessness. • Mapping and monitoring of hot spots as much as possible. 	
Land-use Planning	<p>4.2.1</p> <ul style="list-style-type: none"> • Consider developing an affordable housing strategy to increase the delivery of affordable housing. <p>4.3.1</p> <ul style="list-style-type: none"> • Undertake a specific project and working group to advocate and address lack of crisis and short term accommodation. • Pursue program level funding options for ongoing support programs and housing supply strategies and develop an integrated supportive housing approach to all housing in the region. 	<ul style="list-style-type: none"> • Action 6. Prepare and implement local housing strategies • Action 7. Develop and promote incentives for affordable housing developments that are consistent with ARH-SEPP • Action 8. Work with the proposed changes to ARH-SEPP and new State Planning Policies to achieve good planning practice • Action 10. Affordable housing pre-lodgement meetings and streamlined assessment process • Action 11. Investigate the means to create flexibility in the regional planning system that facilitates local innovative solutions in affordable housing • Action 13. Councils to establish an affordable housing land register or incorporate into existing land registers • Action 14. Liaise with State Government advocating the development of a policy which would incorporate a range of measures to protect existing affordable housing
Research and Monitoring	<p>4.2.1</p> <ul style="list-style-type: none"> • Consider developing a comprehensive housing and homelessness policy and protocol with a significant emphasis on Council's core roles and on strategic partnerships. This should include strategies and partnerships for monitoring data and emergent trends on an annual basis or as data is available. 	<ul style="list-style-type: none"> • Action 5. Seek partners in research and pilot projects • Action 9. Seek to establish performance benchmarks and development codes, that allow local application and which are consistent with ARH-SEPP • Action 15. Market research of untested housing models and economic feasibility assessment of projects. • Action 19. Research project to explore alternative housing products and markets for new types of affordable housing • Action 20. Seek expressions of interest within the region to develop innovative pilots for affordable housing