

DRAFT Policy

Homelessness Policy

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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.

A definition that is widely used in the homelessness sector and was adopted by the Commonwealth Advisory Committee in 2001 includes three categories in recognition of the diversity of homelessness:

- **Primary homelessness** is experienced by people without conventional accommodation (e.g. sleeping rough or in improvised dwellings);
- **Secondary homelessness** is experienced by people who frequently move from one temporary shelter to another (e.g. emergency accommodation, youth refuges, "couch surfing");
- **Tertiary homelessness** is experienced by people staying in accommodation that falls below minimum community standards (e.g. boarding housing and caravan parks).

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.

Caravan Park: Refers to the thirty one compliant Caravan Parks within Tweed Shire with the exception of the seven Tweed Coast Holiday Parks situated on Crown Land. Parks on Crown Land 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 and work to prevent homelessness.

The Policy is consistent with the NSW Protocol for Homeless People in Public Places (May 2013) and the objectives and principles of the Tweed Shire Housing and Homelessness Network Strategic Plan (2014-2019). It also responds to the Tweed Shire Homelessness Issues paper adopted by Council on 21 November 2013. 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 data, in 2011 there was an estimated 308 homeless people in Tweed LGA. Of this number 14% were classified as primary homeless, 60% were classified as secondary homeless and 26% were considered tertiary homeless. Tweed LGA had a higher percentage of primary and secondary homeless people compared to NSW in 2011. Council is committed to preventing and 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%). Appropriate service support and interventions can prevent and reduce the numbers although it is recognised

that for a small proportion of people, experiencing homelessness is a choice and preferred way of living.

The Tweed Shire Homelessness Issues Paper adopted by Council on 21 November 2013 identifies numerous issues and challenges in the Tweed Shire relating to homelessness that have been incorporated into this policy. In particular these included increasing numbers of people on the verge of homelessness, limited affordable accommodation, and the absence of crisis and short-term accommodation in Tweed Shire. The consultation revealed very significant barriers to permanent, 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). With 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 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 linked to issues of homelessness and 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. The report identified that the Tweed Shire consistently ranks higher for housing stress, mortgage stress and rental stress in comparison to regional, state and federal averages - see Table 1. Housing, mortgage and rental 'stress' is defined¹ as households in the lowest 40% of incomes who are paying more than 30% of their usual gross weekly income on housing costs.

Table 1: Percentage of total households experiencing housing, mortgage and rental stress (ABS, 2011)

	Tweed Shire	Regional NSW	New South Wales	Australia
Housing Stress	15.3	11.4	11.4	10.7
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, service providers are resorting to the use of caravan parks for people experiencing homelessness. Holiday and caravan parks include a range of housing options; from rented caravans in Council or privately owned and managed parks through to owner-occupied large (and relatively expensive) manufactured homes positioned on rented land in residential park estates.

¹ Defined as per the National Centre for Social and Economic Modelling (NATSEM model)

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 living on caravan/residential park or camping 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). Of the 31 compliant commercial parks that exist, twenty four are private and seven are Crown Land holiday parks for which Council acts as corporate manager (with the exception of one at Pottsville which comprises Crown and Council land).

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 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 availability 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 with them 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 the most vulnerable in society, including those experiencing homelessness
- Ensure 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
- Build willingness in the community to welcome and support people who are homeless or at risk to participate in community activities and services
- Advocate for resources for social housing options and homelessness support services, particularly supported crisis accommodation and transitional housing options
- 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:

- Collaborate and integrate service delivery with police, health, housing and welfare services in the region, and outside with cross-border services, to prevent and reduce homelessness
- Formalise relations with the police to improve signage and enforce legislation to address antisocial and unlawful behaviour in parks and public places (e.g. the Liquor Act 2007)
- Determine designated sites in partnership with the Tweed Shire Housing and Homelessness Network and mobile food services, to provide coordinated homelessness support
- Increase cooperation and liaise with other local governments, public sector bodies, local agencies, the business community, real estate providers and local neighbourhoods to develop strategies to prevent and reduce homelessness
- Support social housing providers to increase the availability of different forms of housing assistance appropriate to the needs of individuals and families as their circumstances change over time (considering both affordability and security of tenure)

Council Services and Compliance:

- Establish processes or structural arrangements for Council service coordination and 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 are well trained and equipped to facilitate access to appropriate support for people who are homeless or at risk
- Liaise with caravan park providers to designate affordable and controlled camping and parking sites for short-term overnight camping with minimum services such as showers and toilets

Planning:

- Establish an internal working group to review and report on best practice approaches to develop suitable policy and planning controls that encourage increased supply and ongoing management of affordable housing in the Tweed Shire.
- Provide recommendations to Council on the preparation of a new Affordable Housing Policy.
- Consult with the NSW Department of Planning and Environment on any emerging state legislative changes that will provide a clearer statutory basis to support Council to amend its own planning controls to increase supply of affordable and social housing.
- Facilitate a consultative forum with stakeholders, including representatives of community, welfare and housing organisations, development and building

industry peak bodies, real estate, and other relevant groups. The purpose is to gain a better understanding and context for formulating the preferred approach to increasing affordable and social housing supply.

- Develop a policy to identify clear criteria for assessing the social impacts of development proposals on low-income residents, for example the redevelopment of existing caravan parks in the Tweed Shire. This should include options for providing alternative accommodation for displaced residents.

Research and Monitoring:

- Map local housing supply and demand across the Tweed Shire
- Collect and monitor data and emergent trends for homelessness, social housing provision, and affordable housing provision on an annual basis or as data becomes available
- Examine the vulnerability of those housed in caravan parks considering the geographical locations and social contexts

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

Local Government Act 1993 7(b,d); 8(1)bullet point 9
Residential (Land Lease) Communities Bill 2013
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

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:

- 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 April 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 Council website](#)

[Division of Local Government](#)

[Housing NSW](#)

[Anti-Discrimination Board NSW](#)

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

[Tweed Shire Homelessness Services web page](#)

[Australian Human Rights Commission](#)

[Tweed Local Environment Plan](#)

[Tweed City Centre Local Environment Plan](#)

[Tweed Shire Community Strategic Plan](#)

