
Submission on Housing Legislative Package Exposure Drafts

Andrew Donnellan, Secretary, Greater Canberra Inc, 11 January 2023

About Greater Canberra

Greater Canberra is a community organisation, established in 2021, that is working towards a more liveable, sustainable and affordable Canberra for everyone. We believe that forward-thinking urban planning is vital to ensuring that future Canberrans can enjoy social and economic equality and a high quality of life. We believe better planning policy can create a more liveable, sustainable and affordable city. Embracing density will allow more Canberrans to live within the existing urban footprint, in close proximity to workplaces and amenities, allowing a lower-carbon and less car-dependent lifestyle. We believe that by building more housing of all kinds - both social and market-rate - all Canberrans can afford to live with dignity.

More information about Greater Canberra can be found on our website,
<https://greatercanberra.org>.

Introduction

We thank the Treasury for the opportunity to make a submission on this important package of legislation.

While we are a local community organisation focused on housing policy in the ACT, we recognise that housing affordability is a national crisis. We believe that greater Commonwealth involvement in housing *supply* policy is necessary to address the housing crisis across Australia, including in Canberra. The Commonwealth is in a unique position to both finance housing supply initiatives and lead policy reform across State, Territory and local governments. This package enshrines that role in legislation.

As an ACT-specific pro-housing organisation, our focus is on how land use, planning and zoning regulations - matters largely within the control of the ACT Government - impact housing supply, as well as broader environmental and social outcomes.

We have written extensively on the role of planning and land use in Canberra's housing crisis, and recommended evidence-based reforms that will have positive impacts on housing affordability as well as liveability and environmental sustainability. Examples of our work include:

- [Greater Canberra 2022-23 ACT Budget Submission](#)
- ["Budget sets the right housing target, but needs a path to delivery"](#)
- [Submission to the Inquiry into Housing and Rental Affordability, ACT Legislative Assembly Standing Committee on Economy and Gender and Economic Equality](#)
- [Submission to the Inquiry into the Planning Bill 2022, ACT Legislative Assembly Standing Committee on Planning, Transport and City Services](#)

Planning and land use policy is regulated by State and Territory governments and local councils, not the Commonwealth (with some limited exceptions, notably the role of the National Capital Authority in the ACT). However, the Commonwealth must consider planning and land use as part of a holistic national approach to housing supply, and should use its influence to drive change across all Australian jurisdictions. We hope that the establishment of the National Housing Supply and Affordability Council will encourage further Commonwealth action in this area, and propose the following recommendations in this regard.

Recommendations

We strongly support the National Housing Supply and Affordability Council Bill 2023 (Housing Council Bill)'s explicit reference to "land use, planning, zoning and building regulation" as a matter that the Council may consider when performing its functions.

However, at present, land use regulation is given merely as an example of "other regulation of the housing sector", which we believe downplays the role of land use regulation. Given the strong evidence of the importance of land use regulation in housing supply, we believe it deserves more emphasis.

Recommendation 1: Section 9(2)(c)(v) of the Housing Council Bill should be split into two subparagraphs to emphasise the importance of land use regulation:

- "land use, planning, zoning and building regulation"
- "other regulation of the housing sector"

The Housing Council Bill's provisions on research and reporting requirements could be improved to allow the Minister to request ongoing, regular monitoring of specific issues.

Section 10 of the Housing Council Bill requires the preparation of an annual report to the Minister on research into housing supply and affordability conducted by the Council over the previous financial year. However, it does not give the Minister any power to specify specific matters they would like to see included in the annual report.

Section 11 gives the Minister power to direct the Council to undertake research and prepare reports on specific matters. It is expressed in a way which assumes that the research is to

be conducted by way of discrete, one-off reports. The Minister's power under this section is broad and the Minister could, of course, simply request multiple reports on the same topic to monitor progress from year to year. However, it would be better if explicit provision were made for regular reporting.

Recommendation 2: Sections 10 and 11 of the Housing Council Bill should include an explicit power to direct ongoing, regular reporting on specific matters, including in the annual report.

The Housing Council Bill recognises the importance of collecting and publishing nationally consistent data on housing supply and affordability.

While in the first instance it is always preferable to negotiate data collection and publication on a collaborative basis, we believe that a collaborative approach should ultimately be backed up by conditions on Commonwealth housing grants to ensure that data is provided.

For these purposes, data collection should also include the collection and publication of plans by State, Territory and local jurisdictions to implement critical reforms. In the United States, [a large number of community activists and housing organisations](#) have backed the “[Yes In My Backyard Act](#)”, a proposed bill introduced in the 117th Congress that would mandate jurisdictions receiving federal block grants to submit information as to whether they had plans to adopt land use policies that would improve housing supply, including higher-density zoning, transit-oriented development and elimination of parking requirements.

Collecting this data from local jurisdictions is an important first step in any policy effort to encourage land use reform at a local level, by using data on land use to inform funding allocation decisions.

Recommendation 3: Recipients of Housing Australia grants should be subject to a condition to collect and publish nationally consistent data on a regular basis as required by the Council.

This data should include reporting plans by State, Territory and local governments to enact or not enact policy reforms that would improve housing supply.