

Attraction of Affordable Social Housing Development Policy

Head of Power

Local Government Act 2009

Related Legislation

Local Government Regulation 2012

Planning Act 2016

Planning Regulation 2017

Housing Act 2003

Objective

The objective of this policy is to establish an efficient, effective, transparent and accountable system to facilitate the development of Affordable Social Housing in the Council's local government area.

Definitions

Affordable Housing see Schedule 4 of the *Planning Regulation 2017*¹.

Affordable Social Housing means housing which is:

- (a) Affordable Housing;
- (b) owned or leased by a Registered Community Housing Provider; and
- (c) managed by a Registered Community Housing Provider.

Affordable Social Housing Area (ASHA) means land identified as the affordable social housing area in Schedule 1.

Chief Executive Officer means Council's Chief Executive Officer.

Community Housing Service see the *Housing Act 2003*.

Council means Moreton Bay Regional Council.

Development see the *Planning Act 2016*.

Development Approval see the *Planning Act 2016*.

Infrastructure Agreement see the *Planning Act 2016*.

National Register see the *Housing Act 2003*.

Priority Affordable Social Housing Area (PASHA) means land identified as the priority affordable housing area in Schedule 1.

¹ **affordable housing** means housing that is appropriate to the needs of households with low to moderate incomes, if the members of the households will spend no more than 30% of gross income on housing costs.

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Registered Community Housing Provider means an entity that provides a Community Housing Service that is registered on the National Register or State Register.

Residential Development see the *Planning Regulation 2017*.

State Register see the *Housing Act 2003*.

Team Member means all employees of Council, whether employed on a permanent, temporary, or part-time basis. This definition also includes volunteers and employees of businesses and entities contracted to provide services to, or on behalf of, Council.

Application

This policy applies to all Team Members who are responsible for supporting and attracting Affordable Social Housing investment opportunities to the Council's local government area and any person looking to invest in Affordable Social Housing through a possible reduction or deferment of infrastructure charges and the development application fee.

Policy Statement

This policy applies if:

1. A Development Approval has been given for Residential Development; and
2. The development is within the Council's local government area; and
3. The development contains an Affordable Social Housing component; and
4. The Development Approval takes effect between 1 July 2022 and 30 June 2027 inclusive; and
5. An adopted charge under the *Planning Act 2016* applies to providing trunk infrastructure for the development; and
6. The applicant applies to the Council to enter into an infrastructure agreement to remit the development application fee and the adopted charge for Affordable Social Housing component of the development.

This policy does not apply to a Development Approval for reconfiguring a lot.

Affordable Social Housing within the Priority Affordable Social Housing Area (PASHA)

For development which contains Affordable Social Housing within the Priority Affordable Social Housing Area (PASHA), a person may apply to the Council to remit the development application fee by 100% for the Affordable Social Housing component of the development and the adopted charge by 100% for the Affordable Social Housing component of the development if:

1. Evidence is provided from an appropriately qualified expert which demonstrates to the Council's satisfaction that the development contains an Affordable Social Housing component; and
2. Building work is substantially commenced within two years of the development approval taking effect or by 30 June 2028, whichever is the earliest; and
3. The development commences use in accordance with the relevant period under the *Planning Act 2016* or by 30 June 2029, whichever is the earliest; and
4. An infrastructure agreement is prepared and provided to the Council which:
 - a. is in the terms approved by the Chief Executive Officer; and
 - b. has been executed by a Registered Community Housing Provider; and
 - c. requires the Affordable Social Housing to be provided for a period of not less than 15 years from the commencement of use; and
 - d. where the owner of the lot is not a Registered Community Housing Provider, requires the registration of an instrument of covenant over the lot; and
5. Where the owner of the lot is not a Registered Community Housing Provider, an instrument of covenant is prepared and provided to Council which:
 - a. is in the terms approved by the Chief Executive Officer; and

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- b. requires the Affordable Social Housing component of the development to only be used for Affordable Social Housing.

If the Council approves an application and executes the infrastructure agreement, the remission of the development application fee and adopted charge for the Affordable Social Housing component of the development will be effected by way of the infrastructure agreement.

Affordable Social Housing within the Affordable Social Housing Area (ASHA)

For development which contains Affordable Social Housing within the Affordable Social Housing Area (ASHA), a person may apply to the Council to remit the development application fee by 100% for the Affordable Social Housing component of the development and the adopted charge by 50% for the Affordable Social Housing component of the development if:

1. Evidence is provided from an appropriately qualified expert which demonstrates to the Council's satisfaction that the development contains an Affordable Social Housing component; and
2. Building work is substantially commenced within two years of the development approval taking effect or by 30 June 2028, whichever is the earliest; and
3. The development commences use in accordance with the relevant period under the *Planning Act 2016* or by 30 June 2029, whichever is the earliest; and
4. An infrastructure agreement is prepared and provided to the Council which:
 - a. is in the terms approved by the Chief Executive Officer; and
 - b. has been executed by a Registered Community Housing Provider; and
 - c. requires the Affordable Social Housing to be provided for a period of not less than 15 years from the commencement of use; and
 - d. where the owner of the lot is not a Registered Community Housing Provider, requires the registration of an instrument of covenant over the lot; and
5. Where the owner of the lot is not a Registered Community Housing Provider, an instrument of covenant is prepared and provided to Council which:
 - a. is in the terms approved by the Chief Executive Officer; and
 - b. requires the Affordable Social Housing component of the development to only be used for Affordable Social Housing.

If the Council approves an application and executes the infrastructure agreement, the remission of the development application fee and adopted charge for the Affordable Social Housing component of the development will be effected by way of the infrastructure agreement.

Related Documents

This Policy complements and is to be implemented in conjunction with other Council policies, directives and relevant documents published by other agencies including, but not limited to:

- Corporate Plan 2022 - 2027

Review and evaluation

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every four years.

The impact of this policy will be measured by evaluating the policy uptake and financial commitment quarterly and reporting on the effectiveness and impact annually.

Responsibility

This Policy is to be:

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- (1) implemented by the Director Planning; and
- (2) reviewed and amended in accordance with the "Review Triggers" by the Manager Development Services.

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Schedule 1 - Affordable Social Housing Development Policy Areas (PASHA & ASHA)

