

# PLANNING LEVERS TO UNLOCK MORE SOCIAL & AFFORDABLE HOUSING.

Planning interventions to unlock opportunities and remove barriers and delays to the delivery of social and affordable housing.

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## The Challenge

The housing crisis is widely recognised and firmly on the national agenda. An historic deficit between housing supply and need, coupled with high growth, changing housing needs, higher cost of finance and construction challenges have heightened the urgency of action. Millions of dollars are now being directed towards social and affordable housing from all levels of government. At YIMBY Qld we believe the key challenge now is to unlock opportunities and remove barriers to allow delivery of more housing, sooner. While solutions lie in many sectors, including finance, planning and construction, the focus of this paper is on the short term planning levers available.

## The Opportunity

With a focus from all levels of government, industry and the community, the opportunity exists to present a collective response advocating for immediately impactful planning reforms to unlock opportunities for more social and affordable housing and remove barriers that block or delay new housing.

## Our Inspiration



### YIGBY Bill

Allowing faith institutions & non-profits build affordable housing on their land without discretionary approval (SB4 amended May 18, 2023 [www.yigby.org](http://www.yigby.org)).



### Inclusionary projects trade offs

The 'developer trade-off' floated by the Victorian Government would remove 3rd party appeal rights on medium density housing projects where including a fixed proportion of affordable homes.



### Demonstration projects leading reform

The ACT's Demonstration Housing Project is testing and showcasing best practice, innovative & sustainable medium density infill housing, with the outcomes influencing planning reform.

## GET IN TOUCH

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# Affordable Housing Goals and Definitions

YIMBY Qld welcomes the aspirational targets for social and affordable housing set out in the draft ShapingSEQ update. To ensure targets are best realised, a clear and comprehensive definition of affordable housing is needed.

## SEQRP Goals and Targets

The draft ShapingSEQ Update includes:



### 20% Allocation of New Dwellings

Planning for and achieving delivery of 20% of new homes in SEQ being:

- a) social housing (including public and community housing)
- b) affordable housing (households on low to medium incomes)



### Adaptive Reuse

Supporting the repurposing of underutilised spaces and buildings for multi-purpose emergency short-term accommodation options.



### Equality

Increasing access to safe, secure and affordable housing choices for Aboriginal peoples and Torres Strait Islander peoples.



### Affordable Living

Affordable living is about more than just the cost of housing. It takes into account a range of factors, including size, type and cost of housing we choose, how we move around and the resources we use.

## Definition

Affordable housing is currently defined in Qld as: *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* (Schedule 4, section 8 of Planning Regulation 2017).

## Focus areas for review of Definition

### Consistency

- One definition for all of Queensland.
- Relevant to government, industry and community.

### Fair and Equitable

- Ensuring availability of housing for all demographics across the housing spectrum, with a diversity of tenures, housing types and levels of assistance required.

### Longevity

- Ensuring that affordable housing remains affordable and accessible throughout its lifespan.

## National comparison

Comparative national definitions for affordable housing and subsidiary terms are provided as examples for comparative purposes.

### NEW SOUTH WALES

References to affordable housing focuses on the definition of households to which it relates: *"(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if—*

*(a) the household—*

*(i) has a gross income within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW—*

*(A) very low income household—less than 50%,*

*(B) low income household—50–less than 80%,*

*(C) moderate income household—80–120%, and*

*(ii) pays no more than 30% of the gross income in rent, or*

*(b) the household—*

*(i) is eligible to occupy rental accommodation under the National Rental Affordability Scheme, and*

*(ii) pays no more rent than the rent that would be charged if the household were to occupy rental accommodation under the Scheme."*

(s31 of State Environmental Planning Policy (Housing) 2021) (NSW)

### VICTORIA

*"Affordable housing is housing, including social housing, that is appropriate for the housing needs of very low, low, and moderate income households"*

Planning and Environment Act 1987, (VIC)

### WESTERN AUSTRALIA

*"Affordable housing is housing that households on low to moderate incomes can afford to access while meeting other essential living costs."*

(WA Housing Strategy 2020-2030)

## International best practice

Comparative international examples are provided as contemporary thinking in the affordable housing space. The selected examples include consideration of all household types whose needs are inadequately met by the market, and an approach to safeguarding affordability beyond the first occupant or owner.

### PORTLAND

*"Rent is structured so that the targeted tenant population pays no more than 30 percent of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80 percent of MFI."*

(Portland City Code) (\*MFI = Median Family Income)

### LONDON

*"Affordable housing is social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision." (London Plan 2016, Policy 3.10)*

## CASE STUDY: FAITH AND HIGHER EDUCATION LANDS ACT OF 2023 - CALIFORNIA

Beyond the commitments set out in the draft ShapingSEQ update for affordable and social housing, action is needed to reduce housing stress for vulnerable populations, sooner. Touted the YIGBY (Yes in God's Back Yard) Bill, the Faith and Higher Education Lands Act (FAHELA) of 2023 California presents a practical and immediate solution, with relevance and transferability to the Queensland context. It enables 100% affordable and social housing without the need for discretionary approval, on land owned by religious institutions and independent institutions of higher education, where meeting set locational criteria and development standards. Key aspects are summarised below.



### Affordability Criteria / Qualified Developer

# 01

All units are to be provided to lower income households, except that up to 20% may be for moderate-income households and 5% may be for staff of the institution that owns the land. Units shall be subject to a deed restriction for prescribed periods to ensure that dwellings remain affordable as intended.

Qualified developers are non-profit corporations or a developer that contracts with a nonprofit corporation, religious institution or independent institution of education to construct housing or other improvements.



### Site Suitability / Location Criteria

# 02

Siting requirements are prescribed to encourage development on urban sites, serviced by infrastructure, free of hazard or environmental constraints and not amid uses that would create adverse reverse amenity impacts. Applicable sites must already be owned by the religious or independent institutions.



### Development Standards

# 03

Parking maximums are to be implemented, with siting near public transport encouraged. Developments must comply with all relevant development standards of the city where not conflicting with the Bill. Environmental assessments must be carried out and appropriate actions performed where necessary.



### Density and Ancillary Uses

# 04

If the development is located in a zone that allows residential uses, the allowed density is to be higher than that of the zoning, and the maximum building height is raised one storey, with potential for further density bonuses to encourage more housing.

Density bonuses do not apply to land not in residential zones.

Ancillary uses, such as childcare and other facilities operated by the institution that owns the site, and supportive commercial uses may be supported.

# QUEENSLAND IMPLEMENTATION



Similar to the recent approach to unlock opportunities for private rental of granny flats, or for rural workers accommodation, through amendments to the Planning Regulation, the opportunity exists for further amendment to make social and affordable housing accepted development on specific sites where meeting set development parameters, as follows:

## Material Change of Use, where:

- The use is for social or affordable housing meeting the 'affordability criteria'; and
- The site meets the 'site suitability criteria'; and
- The development will be carried out by a 'qualified developer'; and
- The development meets the 'development parameters'.

## Building or Operational Work Assessable Under the Planning Scheme, where:

- The work is for social or 'affordable housing', meeting the 'affordability criteria'; and
- The site meets the 'site suitability criteria'; and
- The work will be carried out by a 'qualified developer' and
- The development is in accordance with the accepted or approved material change of use.

Key requirements and terms would include site suitability criteria and development standards, and:

## AFFORDABILITY CRITERIA

- At least 75% of dwellings are to be provided to low income households; and
- Up to 20% of dwellings are to be provided to moderate-income households;
- Up to 5% of dwellings are to be provided to staff of the institution that owns the land; and
- All dwellings are to be subject to covenant restrictions, or equivalent, to ensure the dwellings remain affordable as intended for a prescribed period no less than 10 years.

## QUALIFIED DEVELOPER

Qualified developers are:

- Religious organisations; or
- Non-profit corporations; or
- A developer that contracts with a nonprofit corporation, religious institution or independent institution of education to construct housing or other improvements.

Where greater density and / or building height is proposed, code assessment could apply, with development parameters overriding those that would otherwise apply in the local government planning scheme, to the extent they allow greater housing opportunity and affordability.

# SITE SUITABILITY CRITERIA



## MANDATORY COMPONENTS

The proposed premises must:

- Be already owned, at the commencement date, by a religious institution, educational institution or non-profit organisation; and
- Have 75% of its perimeter adjoining land that is in an urban zone or is developed as or approved for an urban activity; and
- Not be on the contaminated land register or environmental management register, unless a site suitability statement applies to the land for the proposed use; and
- Be unaffected by, or capable of appropriately mitigating, natural hazards, risk and resilience overlays; and
- Be appropriately serviced by necessary infrastructure or capable of being serviced by the time of commencement of use; and
- Not adjoin any site where more than one-third of the site area is dedicated to an identified high impact industry use; and
- Not be zoned Conservation or Environmental Management or require clearing of high value MSES.

## SITE CONSIDERATIONS FOR GREATER HEIGHT AND / OR DENSITY

Additional density or height may apply, subject to code assessable, where the site achieves the following characteristics:

- Accessibility to high frequency public and or active transport;
- Walkability to places of employment, community facilities, educational facilities and / or and medical services;
- The impact on existing and surrounding residential amenity (and the impact of surrounding land uses on the residential use) is low.

# DEVELOPMENT PARAMETERS



## DENSITY AND HEIGHT

If the development is located in a residential zone, centre zone, mixed use zone or community use zone:

- There is no maximum or cap to the permitted density, provided other applicable development parameters are met;
- The maximum building height is the greater of one storey above the acceptable outcome for building height already applicable to the site or one storey above the acceptable outcome for building height of any adjoining parcel. The development is eligible to seek a greater building height through code assessment.

If the development is located in another zone:

- The permitted density is the greater of the acceptable outcome for density that is already applicable to the site or the acceptable outcome for density already applicable on any adjacent parcel. If there is no acceptable outcome for density applicable to the site or any adjoining parcel, there is no maximum or cap to the permitted density;
- The maximum building height is the greater of one storey above the acceptable outcome already applicable to the site or one storey above the acceptable outcome for building height of any adjacent parcel.

## PARKING

The development must provide off-street parking at a maximum rate of one space per unit, unless local governments require a lower parking provision.

## PERMITTED LAND USES

The development is not located on a site that would require demolition of existing social and affordable housing, unless the new social and affordable housing development exceeds the existing provision of social and affordable housing.

## LOCAL PLANNING REQUIREMENTS

Existing development parameters would continue to apply, where applicable, unless overridden by the development standards in the Planning Regulation.

## NEXT STEPS

YIMBY Qld welcome the opportunity to further develop a suitable Qld 'YIGBY' amendment to the Planning Regulation.