

SOUTH AUSTRALIAN HOUSING TRUST REGULATIONS 2010

NOTICE UNDER REGULATION 4

*Determination of Criteria for the Purposes of Affordable Housing*1. *Application*

This Notice applies to:

- (a) assessment of applications for development approval under the *Planning Development and Infrastructure Act 2016* (SA);
- (b) policies under the Planning and Design Code pursuant to the *Planning Development and Infrastructure Act 2016* (SA).

2. *Determination of Criteria*

- (1) Land or a dwelling that is the subject of an application or policy to which this Notice applies will fall within the concept of affordable housing for the purposes of the *South Australian Housing Trust Regulations 2010* (SA) if the developer/owner of the land or dwelling has a Legally Enforceable Obligation in place to ensure that the sale and/or purchase of the land or dwelling complies with the requirements set out in this Notice, and either:
 - (a) subject to paragraph 2(2), the land or dwelling is offered for sale to an Eligible Home Buyer at or below the Price; or
 - (b) the land or dwelling is to be provided for affordable lease or rent by an Eligible Rental Provider described in paragraphs 3(2)(b), (c), or (d) for any price; or
 - (c) the Minister responsible for administering the *South Australian Housing Trust Regulations 2010* (SA) otherwise determines, in the Minister's absolute discretion, that the land or dwelling constitutes affordable housing for the purposes of the *South Australian Housing Trust Regulations 2010* (SA).
- (2) The developer/owner may seek approval from the South Australian Housing Trust for an increase to the Price by up to 10% for any one variance, and up to 15% for any two variances combined. Available variances include where the dwelling:
 - (A) has features which make it more energy efficient and environmentally sustainable; or
 - (B) is on a small allotment within close proximity to public transport; or
 - (C) is offered for sale in conjunction with a financing product that increases an Eligible Home Buyer's purchasing capacity as outlined in the industry guidelines published from time to time by the South Australian Housing Trust.

3. *Definitions*

For the purposes of this Notice:

- (1) An Eligible Home Buyer is:
 - (a) a person who is assessed as being eligible by the South Australian Housing Trust;
- (2) An Eligible Rental Provider is:
 - (a) the South Australian Housing Trust or a registered housing association or a registered housing co-operative under the *Community Housing Providers (National Law) (South Australia) Act 2013*;
 - (b) a person (natural or corporate) approved to provide affordable rental under the 'National Rental Affordability Scheme';
 - (c) a person (natural or corporate) subject to an affordable housing facilitation agreement with a Minister, or instrumentality of the Crown in right of the State; or
 - (d) any class of persons, declared from time to time by the Minister responsible for administering the *South Australian Housing Trust Regulations 2010* (SA).
- (3) Legally Enforceable Obligation includes:
 - (a) a legally binding agreement entered into between the developer/owner and a Minister, instrumentality of the Crown in right of the State or Council (constituted under the *Local Government Act 1999* (SA)), and in the case of a Land Management Agreement registered against the relevant instrument of title (as defined in the *Planning, Development and Infrastructure Act 2016* (SA)); or
 - (b) a condition imposed by a relevant authority (as defined in the *Planning, Development and Infrastructure Act 2016* (SA)) in relation to a development that it consents or approves under that Act; or
 - (c) any other form of legally enforceable obligation approved by the Minister responsible for administering the *South Australian Housing Trust Regulations 2010* (SA).
- (4) Price means:

Affordability Indicators (February 2021)	Greater Adelaide*	Rest of State**
Dwelling or house and land purchase price (inclusive of GST)	\$417,000	\$339,000
Land purchase price (inclusive of GST)	\$187,650	\$152,550

* Greater Adelaide means: Greater Adelaide Planning Region as defined in Figure 1.1 The 30 Year Plan for Greater Adelaide 2017 Update, a volume of the South Australian Planning Strategy.

** Rest of State means: all areas in the State of South Australia excluding Greater Adelaide.

Dated: 24 August 2022

NAT COOK
Minister for Human Services

DTI 2021/03842/01