

Legislative Council—No 110

As introduced and read a first time, 30 August 2023

South Australia

**Planning, Development and Infrastructure
(Affordable Housing) Amendment Bill 2023**

A BILL FOR

An Act to amend the *Planning, Development and Infrastructure Act 2016*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Planning, Development and Infrastructure (Affordable Housing) Amendment Act 2023*.

Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

2—Insertion of Part 7 Division 4A

Part 7—after Division 4 insert:

10 Division 4A—Affordable housing

126A—Affordable housing

15 (1) A relevant authority must not grant development authorisation in respect of an application relating to a significant development made on or after the commencement of this section, unless the relevant authority imposes a condition on the authorisation that the significant development comply (at all times) with the affordable housing requirements.

20 (2) In this section—
affordable housing requirements, in relation to a significant development, means—

25 (a) the requirement that at least 10% of the total number of dwellings provided for as part of the significant development (or land on which such dwellings are to be constructed) are offered for sale to an eligible home buyer at or below the designated price; and

(b) the requirement that at least 10% of the total number of dwellings provided for as part of the significant development are offered or occupied as affordable rental accommodation by an eligible rental provider; and

(c) the requirement that at least 10% of the total number of dwellings provided for as part of the significant development are offered as rental accommodation by the South Australian Housing Trust or a community housing provider registered under the *Community Housing Providers National Law*;

designated price, in relation to a dwelling or land, means—

(a) the price for a dwelling or land as defined in a notice published by the Minister under regulations for the purposes of the *South Australian Housing Trust Act 1995* determining criteria for affordable housing; or

(b) if paragraph (a) does not apply—the price for a dwelling or land prescribed by the regulations for the purposes of this definition;

eligible home buyer means a person who is assessed as being an eligible home buyer by the South Australian Housing Trust under the *South Australian Housing Trust Act 1995*;

eligible rental provider means—

(a) the South Australian Housing Trust or a community housing provider registered under the *Community Housing Providers National Law*; or

(b) a person approved to provide affordable rental under the "National Rental Affordability Scheme"; or

(c) a person subject to an agreement with a Minister or instrumentality of the Crown to facilitate affordable housing (commonly known as an "affordable housing facilitation agreement"); or

(d) any other person, or class of persons, prescribed by the regulations;

significant development means development involving the provision of 20 dwellings or more, or development involving the division of land into allotments so as to allow for the provision of 20 dwellings or more.