



**Government of South Australia**  
SA Housing Authority



# Affordable Housing Developer Toolkit

A guide to delivering affordable housing for  
developers and other industry professionals.



## Further information

### **Affordable Housing and Market Solutions**

---

Contact the team via email to discuss your development and options for delivery of affordable housing:

**[homeseeker.partners@sa.gov.au](mailto:homeseeker.partners@sa.gov.au)**

Our HomeSeeker SA prospectus provides information about the benefits of getting involved in HomeSeeker SA.

### **Planning and Land Use Services**

---

Visit the **Plan SA** Portal, South Australia's online planning and development system managed by Planning and Land Use Services.

### **Providing your feedback about this toolkit**

---

The Authority hopes you find this toolkit a useful resource when developing affordable housing products in South Australia.

If you have any feedback on the document or the affordable housing development process, please contact the Authority via email: **[homeseeker.partners@sa.gov.au](mailto:homeseeker.partners@sa.gov.au)**

**Disclaimer:** All website links provided are 'as is' and the Government of South Australia does not sponsor, endorse or necessarily approve of any material on website links in this document and does not make any warranties or representations regarding the quality, accuracy, merchantability or fitness for purpose of any material on website links in this document.

The information provided in the Affordable Housing Developer Toolkit should be considered general in nature and is complementary to specific advice from planning, surveying, design and technical experts contained within development applications.

Front cover: *Image showing Kidman Park properties to be constructed for the SA Housing Authority's Affordable Housing Initiative.*

# Contents

What is the Affordable Housing Kit and who is it for? .....	2	Why do I need to sign a Land Management Agreement? .....	15
What is Affordable Housing? .....	2	Changing a Land Management Agreement .....	15
Affordable housing definition based on income .....	3	Rescission of a Land Management Agreement ..	15
Why would I develop affordable housing? .....	4	Planning conditions .....	16
How to include affordable housing in your development application .....	4	What are planning conditions? .....	16
<b>Part 1 – Development Application Feasibility .....</b>	<b>5</b>	How are conditions used to deliver affordable housing? .....	16
Planning incentives .....	5	What would an affordable housing condition contain? .....	16
Site area and density .....	6	<b>Part 3 – Delivering affordable housing .....</b>	<b>17</b>
Minimum site area .....	6	HomeSeeker SA affordable housing website .....	17
Building height .....	6	Benefits for developers using HomeSeeker SA ..	18
Car parking .....	7	Listing process .....	18
How to apply the planning incentives to your development .....	7	Exclusive listing period for affordable homes and land .....	19
Affordable housing price point .....	7	First-in-line process for eligible buyers .....	19
Environmental efficiency measures .....	8	Affordable rental opportunities .....	19
Public transport .....	8	Partnering with a Community Housing Provider to deliver affordable rental .....	20
Innovative financing options .....	9	<b>Part 4 – Reporting requirements .....</b>	<b>21</b>
Applying for price variances .....	9	Affordable Housing Plans .....	21
Land tax savings .....	9	Half-yearly and final reports to the Authority .....	22
How affordable housing land tax relief is calculated .....	9	<b>Figure 1</b> Assessment timeframes in the planning system .....	12
<b>Part 2 – Development Application Process .....</b>	<b>11</b>	<b>Appendix A</b>	
Planning referrals to the Authority .....	11	Useful links and documents .....	23
What is a planning referral? .....	11	<b>Appendix B</b>	
When will a referral occur? .....	11	Case studies of successful affordable housing delivery .....	24
What is a request for further information and how can it be avoided? .....	12	<b>Appendix C</b>	
How long will a referral take? .....	12	Greater Adelaide Planning Region .....	25
Land Management Agreements .....	13	<b>Appendix D</b>	
What is a Land management Agreement? .....	13	Sample Affordable Housing Plan .....	26
The LMA process (figure/timeline) .....	14		

## What is the Affordable Housing Kit

### and who is it for?

The Affordable Housing Developer Toolkit has been produced by the SA Housing Authority (the Authority) to help developers and other industry professionals build affordable housing and provide the housing product that creates strong and diverse communities.

It is designed to complement your due diligence and feasibility studies. Past experience shows good planning and outcomes are achieved when affordable housing is considered from the earliest stages of a development application.

This toolkit is designed to help decisions around dwelling type and mix, addressing the development process step-by-step. To help you deliver affordable housing, you can start at the beginning of this toolkit and work your way through the document.

Alternatively, if you have successfully used planning incentives, gained development approval, and are ready to list affordable housing on the market, you can refer to the toolkit to learn more about the marketing benefits of the Authority's HomeSeeker SA affordable homes website.

As a developer, you may choose to engage the services of other professionals to explore development options. A register of accredited professionals can be found on the Plan SA website.

More information about the State Government's role in affordable housing delivery can be found in the affordable housing section of the Authority's website.

## What is Affordable Housing?

Affordable housing should be considered as one of the ways that land can be developed for residential purposes to meet growth demands and diversity of dwelling types across South Australia. State Planning Policy 6 – Housing Supply and Diversity acknowledges housing as an essential part of people's health and wellbeing.

Affordable housing is expected to be housing that supports liveability, and your development should consider innovative layouts, design and materials as part of your feasibility considerations.

Affordable housing can be delivered as:

- Home ownership
- Build to rent
- Rent to buy
- Retirement villages
- In partnership with a Community Housing Provider
- Housing for people with a disability in certain circumstances
- Other types of affordable rental; or
- Other innovative solutions as negotiated.



## Affordable housing definition based on income:

**Affordable housing is accommodation where a low- or moderate-income household pays no more than 30% of their annual income to rent or buy.**

This ensures that affordable housing is appropriate for the needs of a range of very low to moderate income households and priced so that these households are also able to meet other basic living costs such as food, clothing, transport, medical care and education.

In South Australia, the criteria to determine what is considered affordable housing is set out under the South Australian Housing Trust Regulations 2010 and updated regularly via publication of a **Notice in the Government Gazette**. In brief, it defines affordable housing as a dwelling or land where:

- a developer or landowner is legally obliged to ensure that the provision of affordable housing complies with State Government requirements as set out in the Government Gazette Notice; and
- it is offered for sale to an eligible home buyer through the HomeSeeker SA program at or below a nominated affordable housing price point (refer Table 1 below); or
- it is provided for affordable lease or rent by an eligible rental provider such as community housing providers, the SA Housing Trust, or an affordable rental provider which has a legally binding agreement with the relevant Minister.

**Table 1: Affordable Housing Price Points established by the South Australian Government including price variances available to developers**

Price Points for home ownership	Affordable Housing Price Point	Price Variance (+ 5%)	Price Variance (+ 10%)	Price Variance (+ 15%)
Greater Adelaide - Dwelling prices, including house and land, and apartments (inclusive of GST)	\$495,000	\$519,750	\$544,500	\$569,250
Greater Adelaide - Land only purchase price (inclusive of GST)	\$222,750	n/a	\$245,025*	n/a
Rest of State – Dwelling prices, including house and land, and apartments (inclusive of GST)	\$381,000	\$400,050	\$419,100	\$438,150
Rest of State – Land only purchase price (inclusive of GST)	\$171,450	n/a	\$188,595*	n/a

\* Available on proximity to public transport only

Note: in addition to the above criteria, the Minister responsible for administering the *South Australian Housing Trust Regulations 2010* may, by their discretion, determine that land or dwelling constitutes affordable housing.

The boundaries of Greater Adelaide are defined in The 30-Year Plan for Greater Adelaide as the Greater Adelaide Planning Region. Refer to Appendix C in this document for a map of the region.



## Why would I develop affordable housing?

Affordable housing has important social, environmental and economic benefits for South Australia and is supported by a range of State Government policies and initiatives.

These initiatives extend to developers, and include financial incentives, tax reductions, planning concessions and marketing benefits. These are all intended to provide for improved development feasibility and quicker sales, while providing liveable outcomes for low to medium income households.

Affordable housing incentives include:

- Allowances for increased height and density, and reduced car parking ratios;
- Reduced land tax; and
- Access to the HomeSeeker SA website to provide free property listings to reach potential buyers.

## How to include affordable housing in your development application

To assist you as a developer, the remaining sections of the toolkit are divided into four parts:



## Development Application Feasibility

### Key points:

- The Planning and Design Code includes an Affordable Housing Overlay. The Overlay envisages that residential developments comprising 20 or more dwellings or residential allotments on land located within the Overlay will provide at least 15 per cent affordable housing.
- Developers who incorporate affordable housing into their developments through the Overlay can access additional height and density allowances (i.e. smaller allotments) and reduced car parking requirements.
- The Authority calculates maximum affordable housing price points which are updated regularly and published in the SA Government Gazette.
- On application, developers can vary the price by up to 15 per cent if dwellings meet criteria relating to:
  - environmental efficiency;
  - proximity to public transport;
  - innovative finance.

### Planning incentives

The feasibility of your development may be enhanced through utilising the planning incentives outlined in this section.

The Planning and Design Code ([code.plan.sa.gov.au](http://code.plan.sa.gov.au)) is the single source of planning policy for assessing development applications across South Australia. It provides the rules for development

assessment across the State, with overlays prevailing over zones and sub-zones in the hierarchy of policy.

The Affordable Housing Overlay has been applied across local government areas throughout South Australia, with a focus on Greater Adelaide and residential zones of regional towns.

**Table 2: comparison of incentives available to developers for activity within and outside the Affordable Housing Overlay**

#### Within affordable housing overlay

- ✓ Increased density
- ✓ Increased height
- ✓ Reduced car parking
- ✓ Land tax reduction
- ✓ HomeSeeker SA marketing

#### Outside affordable housing overlay

- ✗ Increased density
- ✗ Increased height
- ✗ Reduced car parking
- ✓ Land tax reduction
- ✓ HomeSeeker SA marketing

The Affordable Housing Overlay planning policies are designed to encourage developers to deliver affordable housing. The incentives allow for:

- A reduction of the minimum site area for a dwelling by up to 20%, or the maximum density per hectare increased by up to 20%

- An increase in the maximum building height by one building level or up to 30 per cent (dependent on zone and overlays)
- A reduction in car parking requirements in locations near public transport.

The planning incentives are outlined in greater detail on the next page.



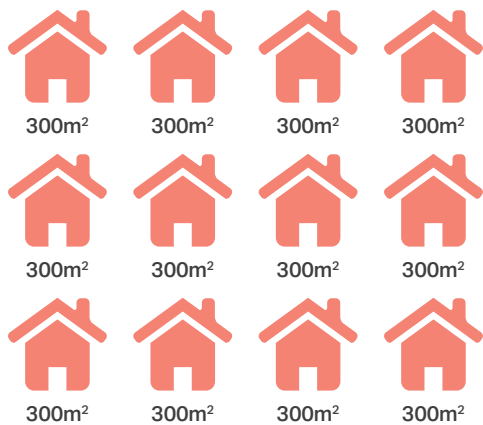
## Site area and density

You can increase the density of a residential development when including affordable housing through the planning incentives available in the Affordable Housing Overlay.

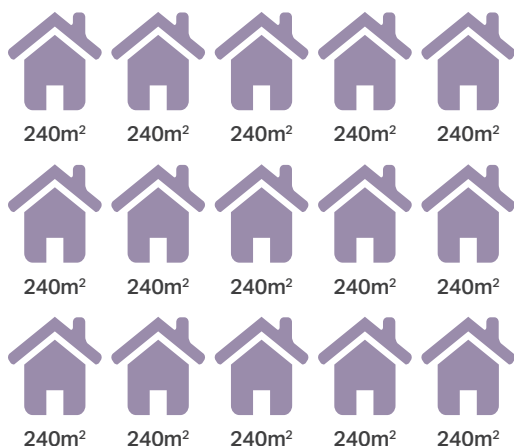
These incentives are normally applied in one of two ways:

1. Reducing the minimum site area by up to 20 per cent per affordable dwelling, or
2. Increasing the maximum density per hectare by up to 20 per cent across several dwellings.

Using a minimum site area example, a developer who wants to divide a 3,600m<sup>2</sup> parcel of land to deliver residential housing must adhere to the 300m<sup>2</sup> minimum allotment site area in the General Neighbourhood Zone. A typical land division in this scenario could only create a maximum of 12 allotments.



Using the affordable housing incentives available in the Overlay, developers may reduce the minimum allotment size by 20 per cent - enabling production of an additional three allotments for a total of 15 allotments on the same parcel of land.



The maximum density per hectare incentive works in a similar way. As an example, the 70 dwelling per hectare maximum stipulated by the Urban Renewal Neighbourhood Zone can be increased to 84 dwellings per hectare when delivering at least 15 per cent affordable housing as outlined in the Affordable Housing Overlay.

## Building height

The Affordable Housing Overlay incentives also include additional height allowances for residential apartment buildings that incorporate at least 15 per cent affordable housing.



For example, a developer wants to deliver a residential building with 26 apartments over 7 building levels or 25.5 metres, the maximum height within the Urban Corridor (Boulevard) Zone.



Using the incentives in the Affordable Housing Overlay and committing to deliver at least 15 per cent affordable housing under the Affordable Housing Overlay, additional building height of up to 30 per cent can lift the maximum height up to 33 metres, which in this case allows an extra level, delivering 30 apartments over 8 levels.

## Affordable Housing incentives

The applicability of the incentives will depend on the subject land's location within particular Zones or Overlays. For example, the minimum allotment size reductions are applicable except where the development is located within the Character Area Overlay or the Historic Area Overlay. There are also limitations on the building height incentive.





## Car parking

Using the previous example, if a developer is to deliver 30 apartments in the Urban Corridor (Boulevard) Zone, Table 1 – General Off-street Car Parking Requirements (within the Planning and Design Code) stipulates that 30 off-street car spaces must be delivered (that is, one per dwelling).

Using car parking incentives in the Affordable Housing Overlay (and provided the site is close to public transport), you can reduce the required car parks to 0.3 per dwelling (a total of 9 when rounded) - significantly reducing the overall project cost.

## How to apply the planning

### incentives to your development

To understand whether planning incentives apply to your development, visit [code.plan.sa.gov.au](http://code.plan.sa.gov.au) or [sappa.plan.sa.gov.au](http://sappa.plan.sa.gov.au) to confirm that the subject site is within the Affordable Housing Overlay and that no exemption applies (e.g., land located in the Character Area Overlay or the Historic Area Overlay will not get the benefit of the reduction in minimum site area incentive).

Once confirmed, the documentation submitted in your development application must be explicit that the incentives are being used and affordable housing will be provided.

## Affordable housing price point

The affordable housing price point is the maximum price affordable housing can be sold for unless a developer is granted approval by the Authority to increase the price, based on certain buyer benefits as described below.

The Authority calculates the affordable housing price point each year and publishes an updated notice in the Government Gazette. It is calculated on the basis that low- and moderate-income households can afford housing without spending more than 30 per cent of their income on costs.

As a developer, you can apply to the Authority to vary the price by a maximum of 15 per cent if your affordable housing project meets one or more of the following criteria:

- environmental efficiency
- proximity to public transport
- innovative financing options

The price variation helps to provide better quality affordable housing by reducing ongoing living costs for the eventual occupant of the home.

You can seek approval to increase the affordable housing price point by up to 10 per cent for any one variance, and up to a maximum of 15 per cent for any two variances combined.

The following sections provide more information about each of these variances.



## Environmental efficiency

### measures

Increasing the environmental efficiency of a dwelling can reduce overall housing costs for occupants of the home. The affordable housing price point can be increased by up to 10 per cent when environmental efficiencies are incorporated into the design.

There are two types of environmental variances supported by the Authority:

#### 1. Environmental Variance 1 (up to 5 per cent variance)

Applies to dwellings that are certified by an approved house energy rating assessor as achieving a seven-star rating or above. You can find out more about energy rating assessors here.

#### 2. Environmental Variance 2 (up to 5 per cent variance)

Applies to dwellings that incorporate all the following features:

- All electric appliances (which must have parts available and serviceable within Australia); and
- Heat boosted or electric boosted solar hot water system; and
- Inclusion of a photo-voltaic electricity generator (over and above the seven-star rating) of at least 1.5kW if the residence has two or fewer bedrooms, or 2.0kW if the residence has three or more bedrooms.

Environmental variances 1 and 2 can be added together to achieve a 10 per cent price variation. This variance can only be applied to affordable dwellings (completed homes, off-the plan homes, or house-and-land packages).

## Public transport

A public transport variance recognises that proximity to high frequency public transport can reduce housing costs by eliminating the costs associated with owning a motor vehicle. The affordable housing price point can be increased by up to 10 per cent where a home is near suitable public transport options.

This variance applies to a dwelling or land allotment that has:

- An allotment size less than 250m<sup>2</sup> (or average allotment for multi storey developments); and either
- Within 400m walking distance from the dwelling/allotment to an Adelaide Metro 'Go Zone' bus stop, as detailed at [adelaidemetro.com.au](http://adelaidemetro.com.au), or
- Within 800m walking distance from the dwelling/allotment to an Adelaide Metro tram stop or train station, as detailed at [adelaidemetro.com.au](http://adelaidemetro.com.au).

Affordable housing developments within the Adelaide City Council area automatically qualify for this variance due to proximity to public transport and provision of higher density living.



## Innovative financing options

The innovative financing price variance relates to specialised finance products that are designed to lower the barriers to home ownership or to increase the buyer's purchasing power. The affordable housing price point can be increased by up to 10 per cent where a home is offered for sale in conjunction with a specialised finance product.

Any specialised finance product must ensure that no more than 30 per cent of income is spent on mortgage costs for a low- or moderate-income buyer.

Dwellings must be offered in conjunction with a specialised home financing product, for example:

- Low deposit loan;
- Shared equity loan through HomeStart Finance or another participating lender; or
- Rent to Buy model.

This variance can only be applied to affordable dwellings (completed homes, off-the-plan homes, or house-and-land packages).



## Applying for price variances

A price variance application form is available from the Authority via [homeseeker.partners@sa.gov.au](mailto:homeseeker.partners@sa.gov.au) which also provides instructions on how to complete and submit the form.

Variance requests will be assessed on a case-by-case basis. If you request a variance, you must specify the following:

- proposed sale price;
- basis of the price variation requested (that is, which variation option);
- appropriate plans and supporting documentation (as outlined in the request for variance form template); and
- allotments for which the variation is sought.

The total price including the variance must not exceed fair market value of the property, and the Authority may seek a qualified valuation to assess fair market price. Approval of price variances is at the discretion of the Authority.

## Land tax savings

If you provide affordable housing under the framework of the Affordable Housing Gazette Notice you are eligible for relief on your land tax liability through the State Government's affordable housing land tax concession.

To be eligible for the land tax concession:

- The subdivision creating the affordable housing allotment must have already occurred; and
- The allotment meets the affordable housing criteria under the South Australian Housing Trust Regulations 2010 and published in the Government Gazette.

More information about the land tax concession can also be found on the **RevenueSA** website.



## How is affordable housing

## land tax relief calculated?

The value of the land tax relief is equal to the difference between your actual land tax liability, and the tax you would be liable for on each affordable housing parcel, if they were assessed individually and not aggregated with other land you own.

In effect, where the affordable housing land tax concession applies, each affordable housing allotment is not subjected to aggregation. The relief is limited to one financial year for each allotment.

RevenueSA's land tax calculators are a useful tool that can be used to estimate the value of land tax relief available to you.

In the following example, a developer can reduce the total amount payable on their land tax bill from \$4,040 to \$2,040, as they are eligible for \$2,000 of relief to be applied to their land tax assessment.

### Example

Developer XYZ Pty Ltd owns a single block of land.

As at midnight 30 June, the developer has subdivided the block into 3 allotments:

**Parcel A**, which has a site value of \$500,000,  
**Parcel B**, which has a site value of \$400,000 and  
**Parcel C**, which has a site value of \$200,000.

 site value <b>\$500,000</b>	 site value <b>\$400,000</b>	 site value <b>\$200,000</b>
---	---	---

The developer intends to build a single dwelling on each allotment. The dwelling on **Parcel C** meets all affordable housing criteria and will be eligible for the affordable housing concession.

Using the general rates of land tax in the 2022-23 financial year, the concession is calculated as follows:

- Total land tax assessed on A, B and C jointly (\$4,040)
- Subtract land tax assessed on A and B jointly (\$2,040)
- Subtract land tax assessed on C only (\$0)
- Equals the value of the concession (\$2,000)

Developer XYZ Pty Ltd is eligible for \$2,000 of relief to be applied to their \$4,040 land tax liability.



**To claim the concession you need to submit an online application form, which is available on the RevenueSA website at the Affordable Housing Land Tax Concession page.**

You will need to provide the following details as part of your online application:

- Certificate of Title of the subdivided parcel of land which meets the affordable housing criteria; and

- A copy of the Land Management Agreement or similar arrangement, between you and SA Housing Authority.

Information you provide to RevenueSA will be verified with SA Housing Authority before the relief is applied to your land tax assessment.

**Applications must be received by RevenueSA between 1 July and 31 March of the applicable/relevant financial year.**



## Development Application Process

### Key points:

Engaging early with the Authority will assist the integration of affordable housing within your development proposal and avoid delays during the development assessment process.

### Part Two of this toolkit provides information about:

- The planning referral process, and
- Legally enforceable obligations.

Your development proposal will be referred to the Authority via the Development Application Processing (DAP) system.

To secure the affordable housing commitment in your development, the Authority will request

your agreement to a legally enforceable obligation to provide affordable housing. Your agreement with the Authority serves as evidence of your affordable housing commitment, which will be assessed by the relevant authority in the development assessment process.

## Planning referrals to the Authority

### Key points:

- A planning referral occurs through the development assessment process.
- The relevant planning authority (Council or the State Planning Commission) refers a development application which provides for affordable housing to the Authority for the purpose of enabling the Authority to provide direction on the conditions required to secure the provision of dwellings or allotments for affordable housing.
- The Authority has 20 business days to respond to the assessing body (not including any time waiting for further information from the developer).
- The Authority can send a request for further information to the developer within 10 days of the referral if further clarification is needed.

## What is a planning referral?

The South Australian planning system provides online lodgement and assessment of development applications against the Planning and Design Code, with referrals to Government agencies and Councils as required.

A referral will typically allow the Government agency to provide technical advice and comments to the planning authority about the proposed development.

A full guide to development assessment is available from PlanSA – Guide to Development Assessment.

## When will a referral occur?

The planning authority undertakes a verification process for each development application. The referrals are generally issued following verification.

Referrals are made when your development application states affordable housing will be provided and your proposal is within the Affordable Housing Overlay.



## What is a request for further information

### and how can it be avoided?

The Authority has 10 business days after receiving the planning referral to decide whether enough information has been supplied to undertake its referral response (i.e. number of lots and clear identification of the number of proposed affordable housing lots.)

If further information is required, the assessment period 'clock' will pause.

If affordable housing is not being delivered, a rationale should be included in the documentation.

### How long will a referral take?

The Authority has 20 business days to respond to a referral from the date when all required information is provided by the applicant for assessment. However, the assessment period can be paused if further information is required. The development assessment process is illustrated below.

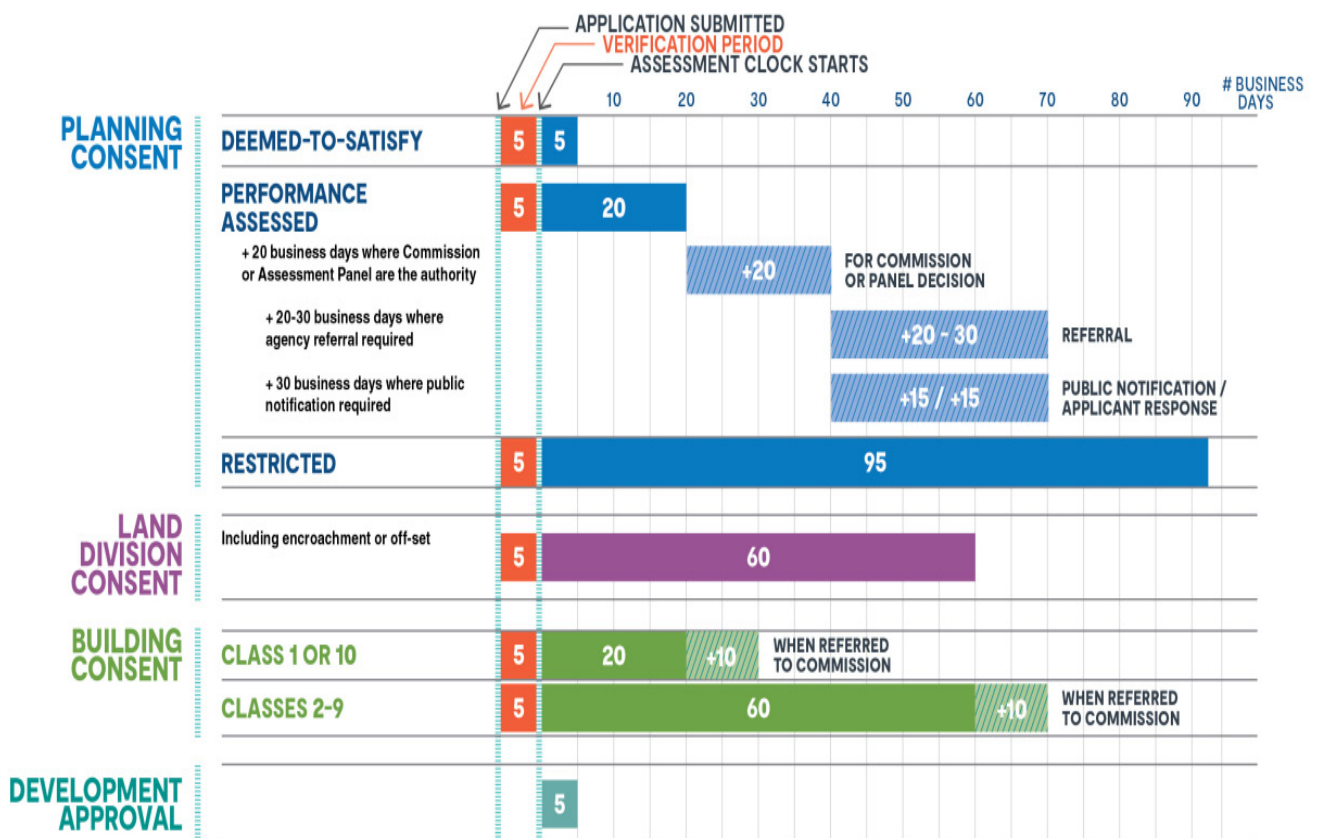


Figure 1 - assessment timeframes in the planning system

[https://plan.sa.gov.au/our\\_planning\\_system/instruments/assessment\\_pathways](https://plan.sa.gov.au/our_planning_system/instruments/assessment_pathways)



## Legally Enforceable Obligations

### Key points:

- Affordable Housing is primarily secured through Land Management Agreements (LMAs) or planning conditions.
- An LMA is a mechanism used to set out rules relating to the development, management, preservation or conservation of land.
- Like LMAs, planning conditions are included in the relevant authority's decision notification form and are legally enforceable.


## What is a Land Management Agreement?


Land Management Agreements (LMAs) under sections 192 and 193 of the *Planning, Development and Infrastructure Act 2016* are used by the Government of South Australia to provide terms relating to development, including securing affordable housing commitments as outlined in the Government Gazette Notice.


LMAs are legally enforceable obligations that are registered on the Certificate of Title when executed by a developer and the Authority (as delegate for the Minister for Planning).


The Authority has an established LMA template for the delivery of affordable housing that can be supplied to you on request.


### A typical LMA process can include the following:


- 


A developer contacts the SA Housing Authority to advise their intent to provide affordable housing.
- 


The LMA is executed by the developer and the Authority and registered on the Certificate of Title by the Authority's conveyancer.
- 


A proposal plan is lodged and referred to the Authority for review (planning referral).
- 


The relevant planning authority uses the LMA as evidence of a legally enforceable obligation for the developer to deliver affordable housing.
- 

Development approval is granted (i.e. planning and building rules consents).
- 

Land division lodged (by stage).
- 

Land division Certificate of Approval issued (by stage).
- 

The developer contacts the Authority to request rescission of LMA (by stage).
- 

The Authority executes rescission documentation which is returned to the developer for lodgement by the developer's conveyancer.
- 

Certificates of Titles are issued.

The Authority is available throughout the entire LMA process to assist you in ensuring your project is delivered in accordance with the affordable housing criteria.

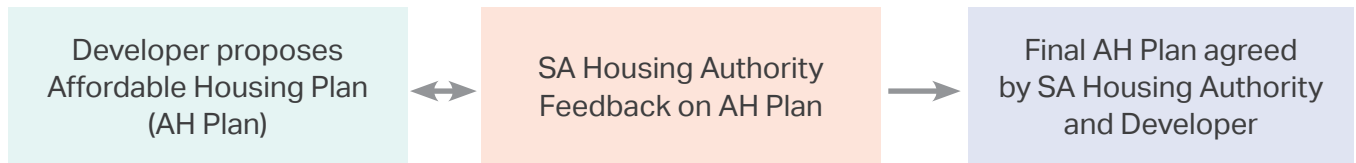


## The LMA process (figure/timeline)

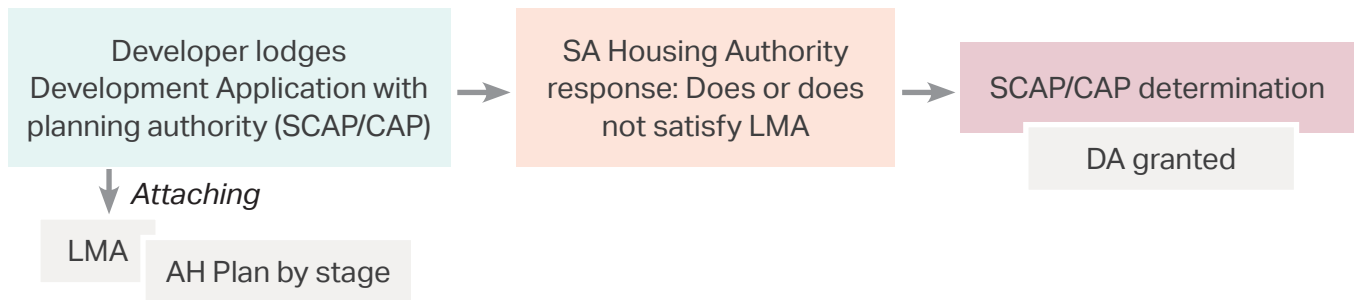
### Step 1: SA Housing Authority facilitates execution and registration of Land Management Agreement



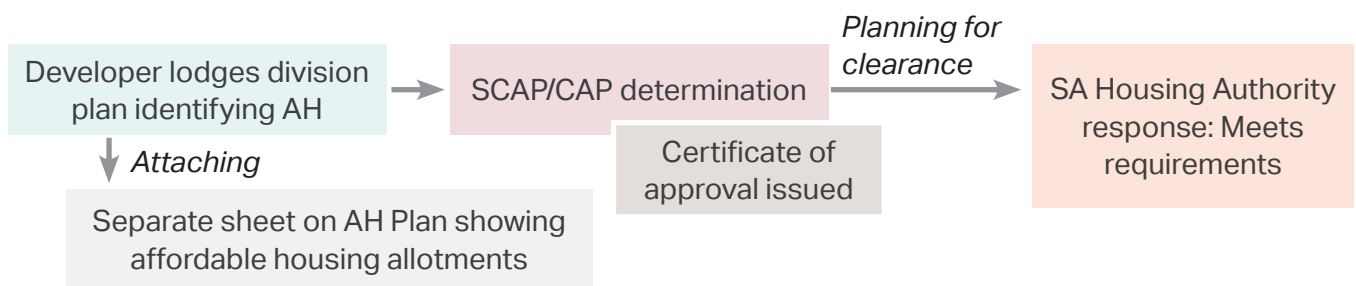
### Step 2: Consultation with SA Housing Authority on your Affordable Housing Plan



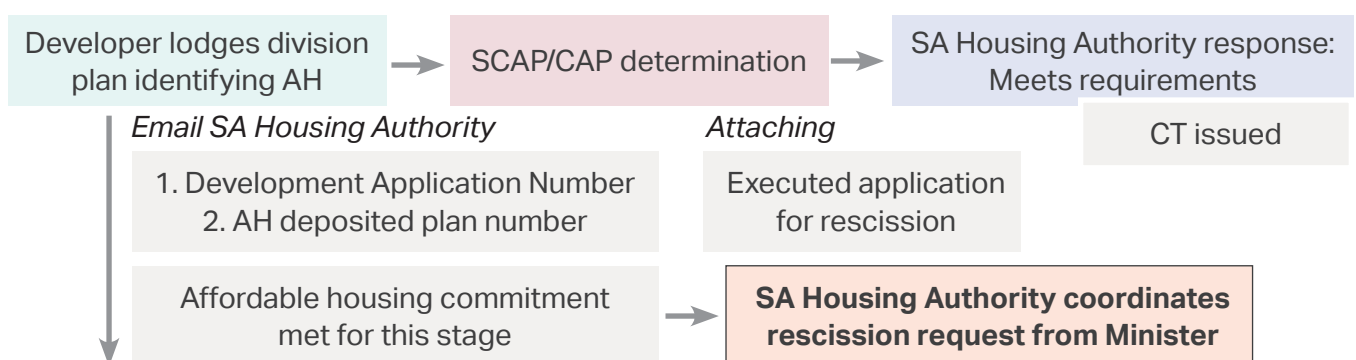
### Step 3: Development Application



### Step 4: Land Division - Final Plan



### Step 5: Rescission & Certificate of Title





## Why do I need to sign a

## Land Management Agreement?

LMAs signed by the developer and the Authority on behalf of the State Government, can be used to secure the delivery of affordable housing.

An LMA is registered on the Certificate of Title and only removed once the Authority is satisfied that the affordable housing is being delivered in line with the LMA.

A Land Management Agreement is required:

- To secure an affordable housing commitment on the sale of government land; or
- If there is a complex arrangement of affordable housing delivery that requires a legally enforceable obligation.

A relevant authority cannot make a final determination on an application unless a Land Management Agreement has been registered on the Certificate of Title.

Development proposals for less than 20 dwellings may be secured through a condition of land division or planning consent – pending agreement with the relevant planning authority – however, at its discretion, the Authority reserves the right to request a LMA at all times.

## Changing a Land Management

## Agreement

If you want to alter any of the terms in a Land Management Agreement, you should contact the Authority via [homeseeker.partners@sa.gov.au](mailto:homeseeker.partners@sa.gov.au) to discuss and consider a potential amendment to the LMA.

## Rescission of a Land

## Management Agreement

### Key points:

- Once affordable housing obligations have been met by the developer, compliance with the LMA and/or conditions is achieved.
- Where there is a LMA, it is rescinded from the Certificate of Title.

Having a LMA registered on the Certificate of Title requires you to have the LMA rescinded and/or having the Authority consent to the plan of division of land for each development stage.

Your conveyancer or legal representative can contact the Authority directly to handle these requests on your behalf, however you may be contacted for clarification if there are any queries about the delivery of affordable housing under the terms of the LMA.

To commence the rescission process, your representative should email the Authority at [homeseeker.partners@sa.gov.au](mailto:homeseeker.partners@sa.gov.au) and provide the following information:

- The unique Development Application number or project name/address;
- Development stage details;
- Deposited plan and lot numbers, identifying affordable housing blocks;
- Allotment numbers for blocks which require the LMA to be rescinded;
- Indication of whether a Certificate of Consent for the deposit of a plan of division is required or whether rescission of the LMA is sufficient; and
- Advise if you have ordered a Premium Management Service (request for urgent processing) from Land Services SA.

Preparation and execution of an Application to Note Rescission of a LMA may take up to 10 business days for an ordinary request, and you should provide the Authority with as much notice as practicable.



## Planning conditions

### Key points:

- Like Land Management Agreements, planning conditions are a mechanism used by the Authority to secure affordable housing.
- Conditions are included in the relevant authority's decision notification form and are legally enforceable.
- The Authority may add conditions to planning consents for development applications that are referred through the planning system.

## What are planning conditions?

Depending on the elements of the proposed development, development applications must be assessed for land division consent, planning consent, and building consent (or any combination of these) before a development approval is granted.

Each assessment stage is subject to conditions with development approval listing all conditions and notes.

When decisions are made, these are provided as Decision Notification Forms at each stage of the development assessment process.

For example, a planning authority usually requires a development to be consistent with the submitted approved plans, drawings and specifications. This condition would ensure that no substantial changes are made to the design of the development unless a variation is sought and granted. A fact and degree test usually applies to consideration of variations by the relevant authority.

Conditions are binding and enforceable on the subject land; that is, the conditions will be binding on anyone who undertakes the development, anyone who acquires the benefit of the development, including the owner(s) and occupier(s) of the land on which the development is undertaken.

## How are conditions used to deliver affordable housing?

Development applications that include affordable housing are referred to the Authority for comment. The referral allows the Authority to direct the imposition of conditions on any land division and/or planning consent granted by the relevant authority. The relevant authority must follow this direction.

It is an offence to contravene or fail to comply with a condition on a consent or approval under the *Planning, Development and Infrastructure Act 2016*. You must undertake your development in good faith that affordable housing will be provided in accordance with your development approval (including any relevant conditions).

## What would an affordable housing condition contain?

A condition of land division and/or planning consent is a legally enforceable obligation contained within a Decision Notification Form. The Authority has the power through the Planning and Design Code to direct conditions of planning consent – for example, stipulating a minimum of 15 percent of all dwellings as 'affordable housing'.



**Key points:**

- Affordable housing can be delivered via sales to eligible buyers under the HomeSeeker SA program, sales to a Community Housing Provider or similar, or retained as affordable rental dwellings.
- For purchase under the HomeSeeker SA program, homes must be offered exclusively to eligible buyers at a fixed price for at least 60 days.
- The HomeSeeker SA program can support your development with assisted marketing and promotion.

Part Three outlines the affordable housing delivery process, including detail on how to reach eligible home buyers through advertising on the HomeSeeker SA website and other affordable rental delivery options.

The HomeSeeker SA website is the SA Housing Authority's platform to advertise affordable home ownership opportunities for sale to eligible buyers. The website connects developers creating affordable housing with eligible buyers looking to purchase a home.

Affordable housing may also be delivered by partnership with a Community Housing Provider or as affordable rentals. For a rental property to be considered as affordable, the rent must be no more than 30 per cent of the income of a low-income household, otherwise they will be in housing stress. Higher income households can generally afford to pay more than 30 percent of their income in rent (or mortgage payments if they are buying a home) without being in housing stress. .

HomeSeeker SA

affordable

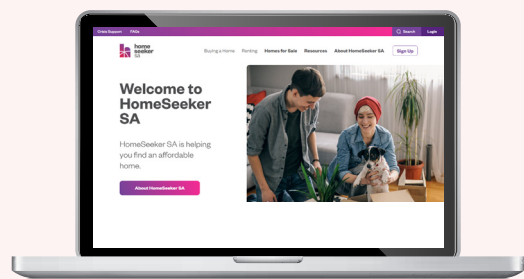
housing website



home  
seeker  
sa

**Key points:**

- Developers delivering affordable housing can use the State Government's HomeSeeker SA website at no cost to reach eligible home buyers.
- HomeSeeker SA provides developers with free targeted marketing of their affordable properties through its customer database - potentially reducing overall time on market.
- Affordable properties must be listed for at least 60 days, to give potential home buyers sufficient time to arrange finance and purchase the property.
- Supported early promotion, such as through the **HomeSeeker SA's 'Coming Soon'** page and newsletters, can also help potential purchasers to be prepared and able to act as soon as properties are listed for sale.



## Benefits for developers using

### HomeSeeker SA

HomeSeeker SA provides the following benefits to developers:

- Free online listings on the **HomeSeeker SA** website;
- Free online listings on the **realestate.com.au** website (vacant land excluded); and
- Targeted marketing of selected properties via regular e-newsletters to thousands of HomeSeeker SA subscribers.

HomeSeeker SA properties are exclusively available for sale at a fixed price to eligible buyers for a limited period (minimum of 60 days). The eligibility criteria for prospective buyers are detailed on the HomeSeeker SA eligibility page.

If a product has not been purchased by an eligible home buyer at the end of the exclusive listing period, the listing can be either extended, or sold on the open market at the same price and still count as an affordable outcome.

HomeSeeker SA has established a database of thousands of prospective eligible home buyers. The Authority can assist you to reach this database through various marketing activities including the HomeSeeker SA 'Coming Soon' webpage and regular e-newsletters.

## Listing process

When you have a property which is ready to be listed, contact the HomeSeeker SA team via **homeseeker.partners@sa.gov.au** to access this free marketing service.

You will be provided with a listing form, which needs to be completed for each property.

If you have multiple listings at one time, you may be required to spread these listings over a period of time.

To advertise on HomeSeeker SA, you will need to provide:

- Contact details of your sales agent;
- Property information (price, address, bedrooms, bathrooms, car spaces);
- When the property is to be advertised for sale;
- Marketing copy (a description of the residential and development details);
- Images (at minimum one high-quality elevation image and a floor plan).

The HomeSeeker SA team will notify you once your property has been published on the website.



## Exclusive listing period for

## affordable homes and land

The exclusive listing period is the time in which the properties can only be sold to eligible home buyers. The exclusive listing period begins on the date a property is first advertised on HomeSeeker SA, and ends a minimum of 60 days after the listing goes live, or once the property goes under contract to an eligible home buyer.

Once the exclusive listing period has commenced, properties must be offered for sale at a fixed price and must only be sold to an eligible home buyer. A fixed price means that the home can be delivered for the price quoted on the listing, and additional costs are not incurred for items such as footings to enable the home to be built. See the HomeSeeker SA Turn Key Standard for more detail.

During the exclusive listing period on HomeSeeker SA the Authority may simultaneously advertise homes on realestate.com.au at no cost to you. The Authority also encourages you to undertake your own marketing to support the HomeSeeker SA listing, provided that during the exclusive listing period any buyer satisfies the HomeSeeker SA eligibility criteria.

If no offers are received from an eligible home buyer during the exclusive listing period, then the property will be automatically removed from the HomeSeeker SA website after 60 days, and the property may be sold to a non-eligible buyer on the open market.

**To meet your requirement to provide affordable housing as part of your development, any property sold on the open market must be at or below the affordable housing price or listing price (whichever is greater) to count towards your affordable housing obligation.**

## First-in-line process for

## eligible buyers

To ensure fairness to eligible home buyers, a first-in-line sales method applies to the sales process. This means homes are offered for sale to the first eligible home buyer who can prove to the selling agent that they have finance pre-approval and are willing to sign a Declaration of Eligibility to verify that they meet the eligibility criteria.

The requirement to demonstrate evidence of finance pre-approval is to ensure that your sales agent can be satisfied that any interested parties are serious and are ready to follow through with a purchase.

If you anticipate high demand for your property listing, a ballot system can be used in accordance with HomeSeeker SA procedures.

## Affordable rental opportunities

### Key points:

- You may provide affordable housing as affordable rental accommodation.
- This may be through selling properties to a property manager who will provide affordable rental, such as a Community Housing Provider or institutional affordable rental owner.



## Partnering with a Community

### Housing Provider to deliver

#### affordable rental

If you as a developer sell a property to a Community Housing Provider, the sale price does not have to be under the Affordable Housing Price Point.

This is because CHPs provide affordable rental opportunities by ensuring that the property is leased at an affordable rental price.

You are encouraged to engage with CHPs early in the development process to help you consider if partnering with, or selling to, a CHP will support the delivery of affordable housing in your project.

Each CHP has its own business model. Understanding these models for affordable rental housing may assist your feasibility analysis. CHPs may also be able to access special finance for affordable housing through the National Housing Finance and Investment Corporation (NHFIC).

A list of Community Housing Providers is available on [sa.gov.au](https://sa.gov.au) – community housing providers.



**Key points:**

- The Authority will request information from you as a developer to confirm the amount of affordable housing you intend to deliver, and that the affordable housing has been delivered.
- This is normally in the form of an Affordable Housing Plan and half-yearly and final sales reports.
- An Affordable Housing Plan outlines how many affordable houses/allotments are intended to be delivered on a stage-by-stage basis.
- When all affordable housing has been sold/rented as per your agreement with the Authority, it must be reported to the Authority.

This section outlines the affordable housing reporting process and offers a step-by-step process for completing the reporting paperwork required by the Authority.

Once affordable housing has been sold or rented, you must provide evidence to fulfil your legal obligation.

If a Land Management Agreement was used to secure affordable housing, this information will allow the LMA reference to be removed from the Title.

If planning conditions were used to secure affordable housing, reporting on the affordable housing plan confirms compliance with the conditions of land division, planning consent and approval.

## Affordable Housing Plans

An Affordable Housing Plan is a staging plan in the form of a simple spreadsheet that outlines how your project will meet its affordable housing requirement across each stage of your development.

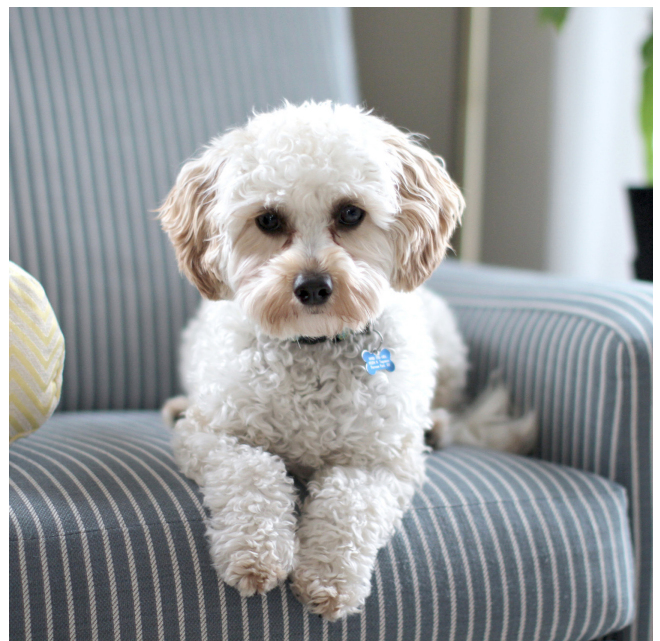
It is a critical piece of communication between you and the Authority that provides key information that is used when the Authority is processing planning referrals and clearances, requests to consent to subdivision, and to check against your six-monthly reporting.

The plan should take into consideration the location of allotments, indicative pricing, and target tenure mix of the affordable housing (for example, either home ownership or affordable rental).

The plan must be provided to the Authority to supplement a LMA or a condition of land division or planning consent. A template is available from the Authority on request.

The plan does not initially have to show specific allotments but must include the total number of dwellings in each stage. It can be revised and amended to reflect changes as your project progresses.

An example of an Affordable Housing Plan is shown in [Appendix D](#).



## Half-yearly and final reports

### to the Authority

The Affordable Housing and Market Solutions team in the Authority tracks the delivery of affordable housing through regular six-monthly reporting. This enables the Authority to track how projects are progressing to meet their affordable housing obligations as identified in their Affordable Housing Plan and LMA, and ensures that there is ongoing communication channel between developers and the Authority.

Developers are sent a spreadsheet, asked to verify the information provided, and update the information where necessary. To assist developers, any properties listed on HomeSeeker SA are pre-loaded by the Authority into the reporting spreadsheet. Properties sold to CHPs or for other types of affordable housing need to be identified by the developer and added to the spreadsheet.

This reporting enables the team to monitor the progress of a project in line with the LMA, Condition of Land Division or planning consent, raise any delivery issues, help to coordinate any marketing, and assess pathways for future stages.

If you have questions about correctly completing these important reports, please contact the Affordable Housing and Market Solutions team.

Data is collated by the Authority and used to report on the 15% Affordable Housing Policy in the planning system.





# Appendix A

## Useful links and documents

This is a list of all the websites and links provided in the above document.

Topic	Description and Link
Affordable housing – SA Housing Authority	Information including detailed <b>fact sheets</b> for the residential development industry about the creation of affordable housing through the State’s planning system <a href="https://housing.sa.gov.au/about-us/our-partnerships/affordable-housing">housing.sa.gov.au/about-us/our-partnerships/affordable-housing</a>
Community Housing Providers	A list of Community Housing Providers in South Australia <a href="https://sa.gov.au/topics/housing/public-and-community-housing/list-of-housing-associations">sa.gov.au/topics/housing/public-and-community-housing/list-of-housing-associations</a>
Development Application Processing	Lodge your development application <a href="https://plan.sa.gov.au/development_applications/lodge_an_application/lodge_online">plan.sa.gov.au/development_applications/lodge_an_application/lodge_online</a>
Development Application Lodgement wizard	Find out which pathway your development application will use to be assessed. <a href="https://plan.sa.gov.au/development_applications/lodge_an_application/find_out_where_to_lodge">plan.sa.gov.au/development_applications/lodge_an_application/find_out_where_to_lodge</a>
Energy efficiency assessments	Compliance with the Building Code of Australia. <a href="https://www.sa.gov.au/topics/business-and-trade/building-industry/building-rules-regulations-and-information/sustainability-and-efficiency-regulations/energy-efficiency-assessments">www.sa.gov.au/topics/business-and-trade/building-industry/building-rules-regulations-and-information/sustainability-and-efficiency-regulations/energy-efficiency-assessments</a>
Guide to Development Assessment	A guide to assist in undertaking development in South Australia. <a href="https://plan.sa.gov.au/_data/assets/pdf_file/0008/699353/Guide_to_Development_Assessment_-_PDI_Act.pdf">plan.sa.gov.au/_data/assets/pdf_file/0008/699353/Guide_to_Development_Assessment_-_PDI_Act.pdf</a>
HomeSeeker SA	The website used to market affordable housing to eligible buyers. <a href="https://homeseeker.sa.gov.au/">homeseeker.sa.gov.au/</a>
Planning and Design Code	Find out which policies apply to your site. <a href="https://code.plan.sa.gov.au/">code.plan.sa.gov.au/</a>
Revenue SA -	Find out about land tax concessions offered for affordable housing <a href="https://revenuesa.sa.gov.au/landtax/LTExemptions/affordable-housing-developers-concession">revenuesa.sa.gov.au/landtax/LTExemptions/affordable-housing-developers-concession</a>
SA Integrated Land Information System (SAILIS)	South Australia’s online land titles system. <a href="https://landservices.com.au/products-and-services/sailis-factsheets-and-support">landservices.com.au/products-and-services/sailis-factsheets-and-support</a>
SA Planning Portal	Find out about the State’s planning system <a href="https://plan.sa.gov.au/">plan.sa.gov.au/</a>
SA Property and Planning Atlas	Find out if your site is within the Affordable Housing Overlay <a href="https://sappa.plan.sa.gov.au/">sappa.plan.sa.gov.au/</a>



# Appendix B

## Case studies of successful affordable housing delivery

### Project name: Nightingale Bowden

In partnership with Nightingale Housing, Renewal SA & SA Housing Authority, Housing Choices SA is constructing a carbon-neutral, 36 apartment building over six storeys. Eighteen dwellings were pre-sold through a ballot system and eligible for the Australian Government's HomeBuilder Grant.

Fifty per cent of the development were affordable dwellings to singles, couples and small families under the Nightingale Ballot system, with priority given to key workers, low-income households and indigenous people.

Half the development will be offered for rent as community housing, for singles, couples and small families, with five of these dwellings suitable for people living with disabilities.

The Nightingale Bowden development targets the establishment of a community dedicated to a sustainable, low-carbon lifestyle. Car ownership is discouraged in favour of accessing cycling, public transport and car share.

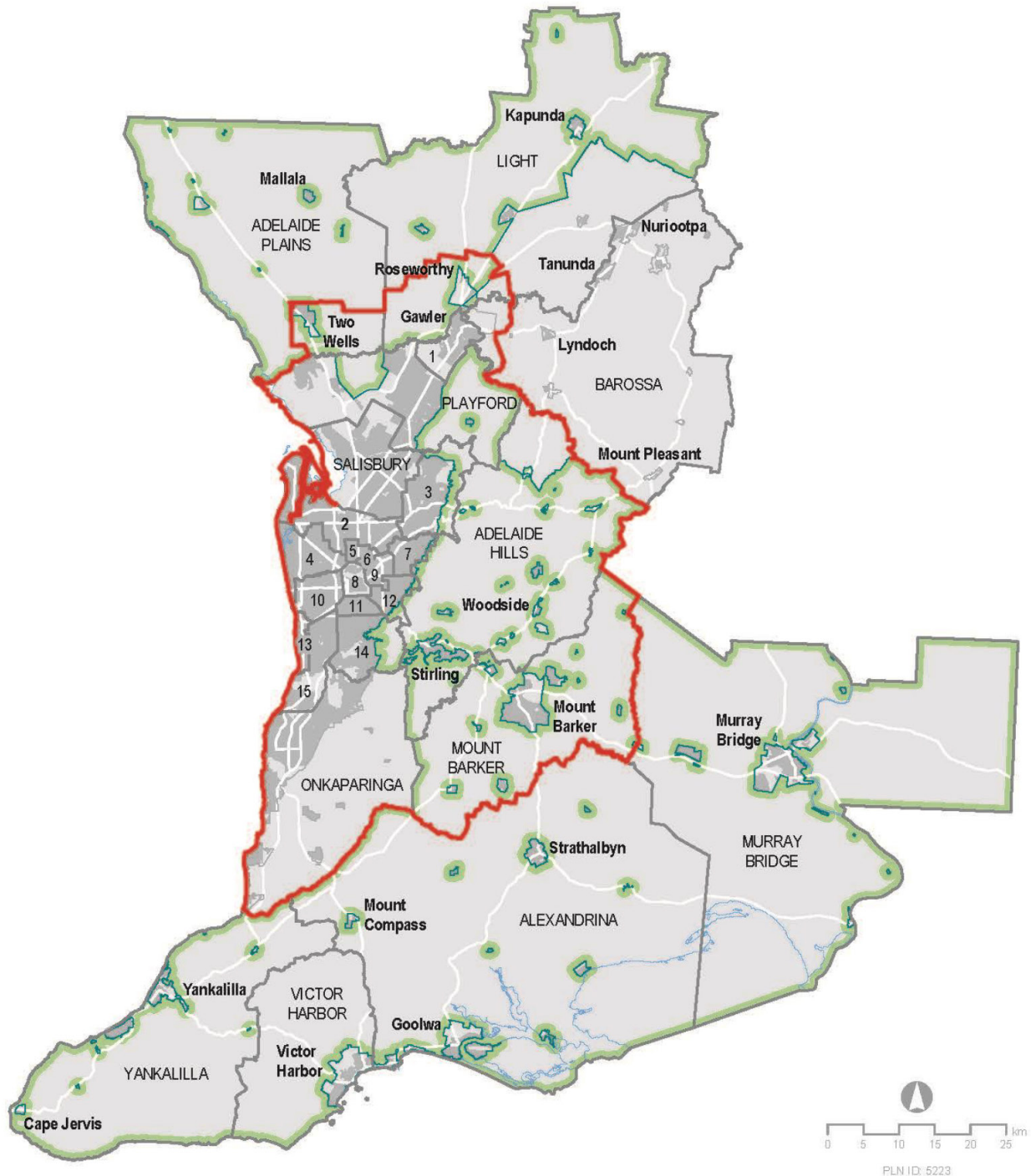
Expected outcomes for eligible people include more high quality, well located housing outcomes in neighbourhoods that support life opportunities. In addition, the cost of living is expected to be lower through savings to power, transport and energy costs.

Supportive communities provide better access to life opportunities including education and employment.



# Appendix C

## Greater Adelaide Planning Region




- Greater Adelaide Planning Region
  - Greater Adelaide Capital City Statistical Area - ABS (Metropolitan Adelaide)
  - Environment and Food Production Areas
- Local government areas constituting the Greater Adelaide Planning Region
- |                         |                           |
|-------------------------|---------------------------|
| 1 Gawler                | 9 Norwood                 |
| 2 Port Adelaide Enfield | 10 Payneham and St Peters |
| 3 Tea Tree Gully        | 11 West Torrens           |
| 4 Charles Sturt         | 12 Unley                  |
| 5 Prospect              | 13 Burnside               |
| 6 Walkerville           | 14 Holdfast Bay           |
| 7 Campbelltown          | 15 Mitcham                |
| 8 Adelaide              | 16 Marion                 |

livingadelaide.sa.gov.au



# Appendix D

## Sample Affordable Housing Plan

 <b>Government of South Australia</b> SA Housing Authority		<a href="http://www.housing.sa.gov.au">www.housing.sa.gov.au</a>				
<b>Sheet 1 - Affordable Housing Plan</b>			<b>As at Date:</b>			
<b>Developer:</b>			<b>LMA Number:</b> AG xxxxxxxx			
<b>Development Name:</b>			<b>Affordable Housing Project ID:</b>			
<b>Contact Person:</b>						
<b>Contact Number:</b>						
<b>E-mail Address:</b>						
<b>Agreed Affordable Homes Target - 15 %</b>						
Stage Number and Name	Expected Stage Release Date	Total Dwellings in Stage	Total Affordable Outcomes	** Qty of Price Variances to be requested	Total % of Affordable Outcomes	Listed as per last Quarter
1	MM/YYYY				#DIV/0!	
2	MM/YYYY				#DIV/0!	
3	MM/YYYY				#DIV/0!	
4	MM/YYYY				#DIV/0!	
		<b>0</b>	<b>0</b>	<b>0</b>	<b>#DIV/0!</b>	<b>0</b>







**Government  
of South Australia**

SA Housing Authority

*Published April 2023*