

Ku-ring-gai Council

Draft

Affordable Housing Policy

Version Number 1

Adopted: 15 April 2025

Effective: 16 April 2025



Affordable Housing Policy

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Controlled Document Information

Authorisation details

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Controlled Document Number:	228	TRIM Record No:	2025/013193
Controlled Document Type:	Policy		
Controlled Document Name:	Affordable Housing Policy		
Version Number:	1		
Department:	Strategy and Environment		
Distribution:	Internal and External		
Review Period: Max < 4 years	2 years	Next Review Date:	2027
Document Status:	Adopted		
Approval Type:	Council Resolution		
Version Start Date:	16 April 2025	Version End Date:	16 April 2027

Related document information, standards and references

Related Legislation:	<ul style="list-style-type: none"> Ku-ring-gai Local Environmental Plan 2015 State Environmental Planning Policy (Housing) 2021 Environmental Planning and Assessment Act 1979 	<ul style="list-style-type: none"> Division 7.2 Affordable Housing Contributions, Environmental Planning and Assessment Act 1979 Part 1, 1.4 Definitions, Environmental Planning and Assessment Act 1979 Chapter 2 Affordable Housing, Housing SEPP 2021
Related Policies (Council & Internal)	<ul style="list-style-type: none"> Ku-ring-gai Planning Agreement Policy 202 	The Planning Agreement Policy specifies criteria and methodology for requiring affordable housing as part of proponent led rezonings.
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	N/A	N/A
Other References	<ul style="list-style-type: none"> Ku-ring-gai Local Strategic Planning Statement 2020 Ku-ring-gai Housing Strategy 2020 North District Plan 2018 Greater Sydney Region Plan 2018 	<p>GSRP and NDP include an affordable rental housing target of 5-10% of uplift (subject to viability)</p> <p>LSPS includes actions to investigate the development of an Affordable Housing Contributions Plan</p> <p>HS includes an action to prepare Housing Affordability Study to determine need, mechanism and locations.</p>

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Version history

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	16 April 2025	16 April 2027	Alexandra Plumb	First version

1. Introduction

Ku-ring-gai Council recognises the urgent need for affordable housing, particularly for key workers and individuals with lower to moderate incomes who have demonstrated connections to the Ku-ring-gai local area. Council is committed to developing housing solutions that prioritise these residents, ensuring they have access to stable and secure homes.

2. Purpose

The Policy sets out:

- Ku-ring-gai Council's objectives for affordable housing in the local government area (LGA)
- How Ku-ring-gai will facilitate the delivery affordable housing
- Council's requirements for affordable housing
- How Council will manage any affordable housing it owns.

This Policy guides Council's approach to providing affordable housing for the community. , Particularly for moderate-income key workers and those with a connection to the local area. The policy defines Council's role to advocate for affordable housing.

Ku-ring-gai Council is dedicated to increasing the range and supply of affordable housing to meet the evolving needs of our residents. This policy outlines Council's principles and approach, sets specific targets for affordable housing and ensuring a consistent and transparent process for receiving contributions from industry to achieve this goal.

3. Objectives

The objectives of this Policy are to:

- Provide direction for the supply of rental housing for key workers and those who can demonstrate a connection to the area and living in low and moderate-income households within Ku-ring-gai
- Ensure the affordable rental housing mix is appropriate to the changing needs of households with regard to size and type, location and accessibility
- Ensure Ku-ring-gai's planning controls facilitate the supply of new affordable housing that is accessible and not distinguishable from market housing.
- Enhance overall capacity of the community to drive effective affordable housing outcomes.

4. Legislation and other policies

The Policy supports one of objectives of the Environmental Planning and Assessment Act 1979 to promote the delivery and maintenance of affordable housing. This Policy has been informed by, and aligns, with the following instruments and other policies:

- Ku-ring-gai Local Environmental Plan 2015
- State Environmental Planning Policy (Housing) 2021
- Ku-ring-gai Local Strategic Planning Statement 2020
- North District Plan 2018
- Ku-ring-gai Planning Agreement Policy 2024.

5. Area to which it applies

This Policy applies to all land within the Ku-ring-gai LGA.

6. Responsibilities

Council has an important role, to set and guide the policy framework for Ku-ring-gai. This includes:

- Ensuring that affordable housing is of high-quality, appropriately located and complies with planning requirements
- Establishing and collecting affordable housing contributions for developments, noting that monetary contributions are made as a condition of consent as a result of an affordable housing Contributions Scheme (AHCS) being in place.
- Ensuring that planning proposals include an appropriate level of affordable housing contributions
- Negotiating affordable housing contributions or delivery of affordable housing units through voluntary planning agreements
- Owning and managing affordable housing stock on behalf of the Ku-ring-gai community
- Collaborating with industry and community housing providers to build, develop and manage high-quality affordable housing for Ku-ring-gai.

Council acknowledges that it does not have primary responsibility to regulate and deliver affordable housing in the LGA. Council will advocate for federal and state government investment into affordable housing and policy improvements on behalf of the community.

Affordable Housing Context

7. What is Affordable Housing

Affordable housing refers to rental housing that is offered to eligible households at below market rents.. The *Environmental Planning and Assessment Act 1979* (EP&A Act) defines affordable housing as housing that is affordable and targeted to people on very low, low or moderate incomes (from 0% to 120% of Greater Sydney’s median household income). It is generally subsidised or offered at below market rents, priced in a way that residents are able to meet basic living costs such as food, clothing, medical care and education.¹

Affordable housing can include varied housing to meet the continuum of housing affordability need – including various tenures and sizes such as dwelling houses, semi-detached dwellings, and flats

8. Affordable Housing in Ku-ring-gai

At the 2021 Census, there were 2,979 rental households in Ku-ring-gai eligible for affordable housing, based on household income. Table 1 shows that, of these households, around 65% (1,923) were in housing that was unaffordable, and in need of affordable housing. The need for affordable housing was greatest in the very low -income bracket, with 95% of eligible households in housing that was unaffordable and in housing stress.

Table 1: Lindfield SAL Affordable Housing need

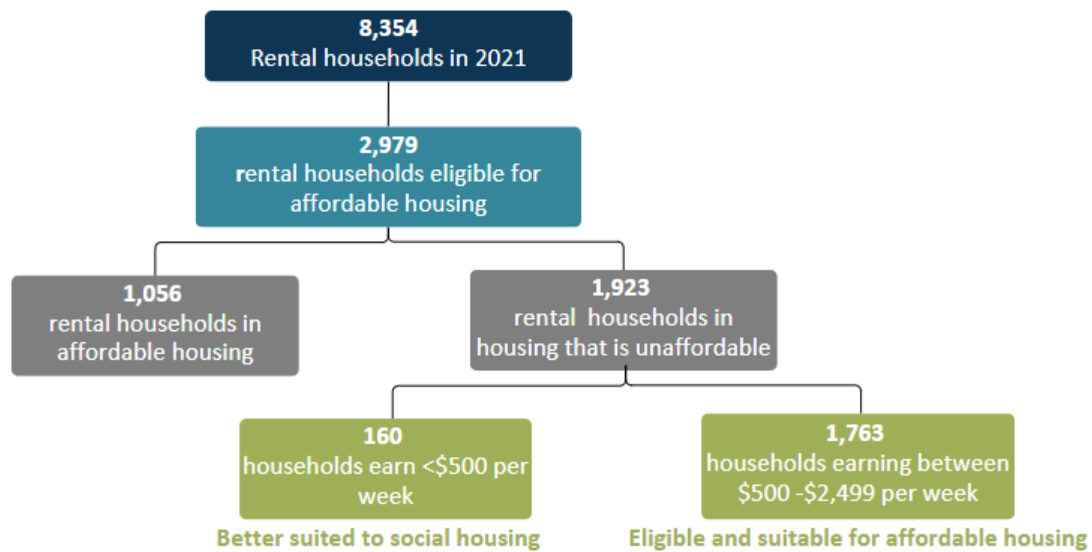
Household income bracket	Total number of households within income bracket	Number of households in housing that unaffordable	Percentage of households in need of Affordable Housing in 2021
Very low income	936	89	95%
Low income	732	572	72%
Moderate income	1,311	459	35%
Total eligible for affordable housing	2,979	1,923	65%

Source: Australian Bureau of Statistics 2023 and HillPDA 2023

The need for affordable housing in Ku-ring-gai is graphically demonstrated in Figure 1.

Figure 1: The technical need for affordable housing

¹ New South Wales Government (2024), *Environmental Planning and Assessment Act 1979* No 203, cl. 1.4(1).

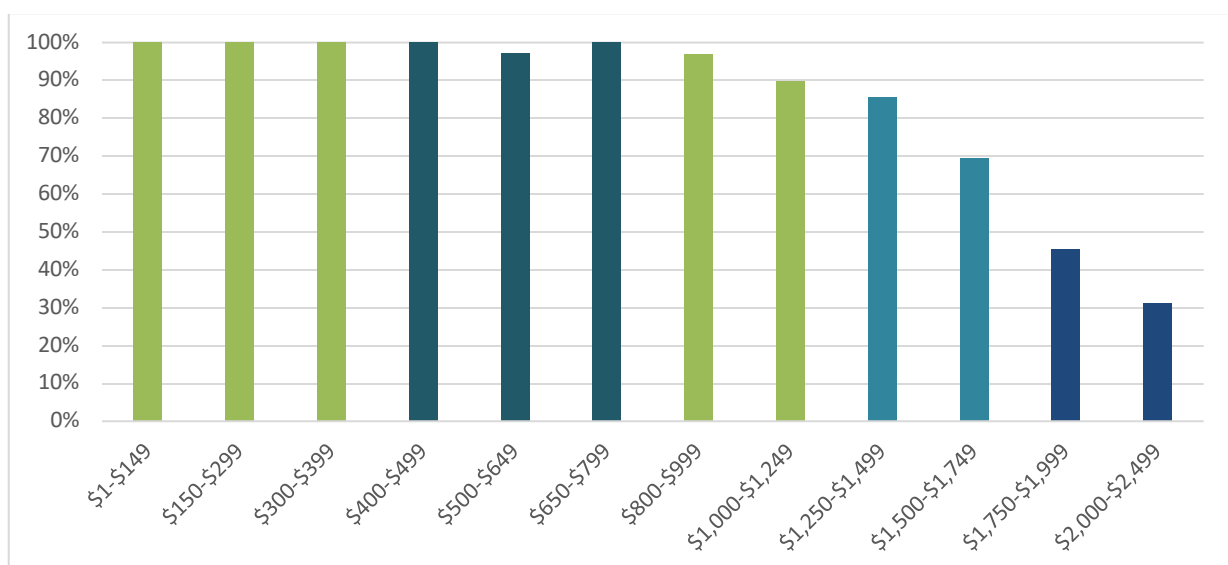


Source: Australian Bureau of Statistics, Census of Population and Housing (2021) and HiIPDA (2024)

Table 1 and Figure 1 identify a current shortfall of 1,923 affordable housing rental dwellings. However affordable housing might not be the best way to meet some household needs. as 160 households (8%) had a weekly income below \$500 in 2021. Social housing might better suit these households' needs. Removing these households from the equation leaves 1,763 households, for whom affordable housing would be both necessary and appropriate.

Figure 2 demonstrates the percentage of very low-moderate income households that were in housing stress in 2021, defined as spending more than 30% of household income on housing costs. In Ku-ring-gai LGA, instances of housing stress were greatest amongst the lower income bands, with moderate income households displaying significant lower rates of housing stress compared to low and very low-income households.

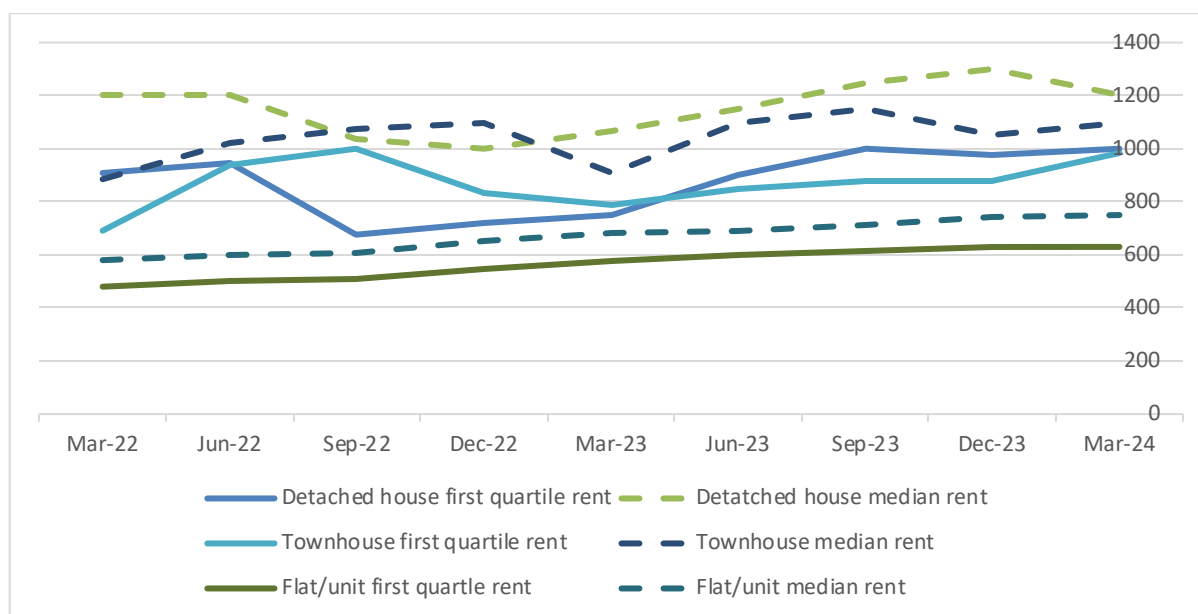
Figure 2: Percentage of households experiencing rental stress by weekly income



Source: Australian Bureau of Statistics 2023 and HiIPDA 2023

In the future, the need for affordable housing is expected to increase in line with broader trends affecting Ku-ring-gai and Greater Sydney as a whole. As shown in Figure 3, Ku-ring-gai LGA experienced a dip in median rents and first quartile rents for detached houses and townhouses between March 2022 and March 2023. However, there was a recovery from March 2023 onwards. Detached House First Quartile Rents increased by 33.3% from the March 2023 quarter, representing an average quarterly change of \$62.5 or 7.8% per quarter. Over the same period from March 2023 to March 2024, the median rent for detached houses increased by 12.2% overall, representing an average growth of \$32.5 per quarter. This rise in rents, particularly the 33.3% increase in first quartile rents (which lower-income households typically pay), is likely to increase the number of households experiencing rental stress, thereby increasing the demand for affordable housing.

Figure 3: Ku-ring-gai Council rent growth since March 2022



Source: Department of Family and Community Services 2023 and HILIPDA 2023

As first quartile rents, the statistic which lines up best with low and very low-income household rents, have risen significantly since the 2021 Census was undertaken, it is assumed that the true shortage of affordable dwellings has also increased, prompting the need for further action on Councils part to facilitate the delivery of affordable housing dwellings.

Policy and Mechanisms

Providing clear and transparent principles, targets and mechanisms to achieve greater affordable housing is an important component of the Affordable Housing Policy.

9. Principles

The principles which will guide affordable housing in Ku-ring-gai are:

- Ku-ring-gai residents and workers live in respectful housing within in their local community
- Affordable housing is embedded in Council's strategies, plans and policies
- Affordable housing contributions are levied in addition to the infrastructure needs for the local community
- By providing affordable housing options for key and essential workers, we enhance economic productivity and support the sustainability of local businesses
- Affordable housing is a long-term commitment to be delivered in perpetuity, aimed at creating sustainable solutions that endure for future generations
- Establishing measurable targets for affordable housing development will provide clear direction to developers and ensure accountability in meeting community housing needs
- Housing is accessible to everyone in the community, including older residents and is located near public transport to help people move around easily and maintain their independence
- Housing supports integration and connection among Ku-ring-gai's residents, reflecting the importance of fostering a diverse range of ages, abilities and cultural backgrounds within the Ku-ring-gai community
- Adaptable housing supports the needs of a changing population, ensuring that all residents can find suitable options as their circumstances evolve.

10. Affordable Housing Targets

Council strives to achieve a significant increase in affordable housing, in the following manner:

- Council will develop an affordable housing target for any Council led strategic planning, this process is discussed in Section 11.0.
- For proponent led rezoning proposals, council will seek 10% of the total gross floor area of residential and mixed-use developments as affordable housing.

11. Affordable Housing in Council-led Strategic Planning

Ku-ring-gai Council will implement a range of mechanism to support the delivery of affordable housing. Any affordable housing provided through a bonus scheme (such as in the Housing SEPP) must be in addition to Council's AHCS.

11.1 Affordable housing contribution scheme

Ku-ring-gai will develop an affordable housing Contribution Scheme (AHCS) when it completes strategic planning and rezoning of a precinct.

For precincts identified in State Environmental Planning Policy (Housing) - Chapter 5 Transport Oriented Development, then the contribution will be at least 2% consistent with the SEPP provisions.

For any other precinct, the contribution will be informed by viability testing consistent with the NSW Government *Guideline for Developing an affordable housing Contribution Scheme* published in 2019.

12. Affordable Housing in Proponent-led Proposals

Council will seek 10% of gross floor area (GFA) in new residential and mixed use developments as a result of a rezoning arising from a private led planning proposal.

This would either be through:

- A clause in the LEP that specifies 10% of the total floorspace of the development is used for affordable housing, or
- Through a voluntary planning agreement.

Ku-ring-gai Council will implement a range of mechanisms to support the delivery of affordable housing. Any affordable housing provided through a bonus scheme (such as in the Housing SEPP) must be in addition to Council's expectation of 10% affordable housing in a proponent-led planning proposal.

12.1 LEP amendment as part of planning proposals

Through an LEP amendment, Council expects there to be a 10% affordable housing contribution. Council's preference is that this is included as a clause in the LEP. However, this can be included as part of a voluntary planning agreement where it is agreed between the proponent and the Council.

12.2 Planning agreement

Where an AHCS does not apply, Council's VPA policy specifies the criteria and methodology for requiring affordable housing as part of proponent-led rezonings. Planning agreements for affordable housing will ensure value uplift from planning decisions are captured and used for directly delivering affordable housing.

12.3 Viability testing in proponent-led affordable housing

Council will consider viability when assessing affordable housing contribution in excess of any contribution to local infrastructure that is required.

Where a developer expects a rezoning and wants a concession to affordable housing or other contributions based on viability grounds, then the proponent should provide:

- Proponent's open book development feasibility workings showing adopted feasibility hurdles (developer margins and internal rate of return), assumptions (land purchase price, construction costs) and parameters (project timeline and lead-in periods), and
- Supporting documentation which may include actual land purchase price (front page of contract of sale), quantity surveyor report, estimated gross realisations and valuation reports.

Council would then commission a peer review at the cost of the developer.

Alternatively, Council would:

- Commission a feasibility assessment funded by the Developer
- Council commission a quantity surveyor to undertake an assessment of the construction cost at the cost of the Developer if these are in dispute
- If there is dispute about the acquisition terms of the property – developer has the option to provide the contract of sale for the development to the Council's consultant.

12.3.1 Land value

The purchase price for the land is not the key determinant of the base value of the feasibility. Council will not subsidise development where a proponent paid too much for the site due to speculation, equally Council will not penalise those who were able to pay less for a site. Instead, the existing market value of

the property based on the higher of its existing use, or the residual land value because of redevelopment under the existing LEP, and relevant DCP will be used to determine the underlying value of the site.

13. Receiving Affordable Housing Contributions

Council will receive affordable housing contributions through:

In-kind contributions where a proponent provides land or dwellings for the use of affordable housing. These contributions must remain affordable housing in perpetuity and will be managed according to this Policy.

Monetary contributions where a proponent provides the monetary equivalent of an affordable housing contribution that will be used to acquire land for affordable housing, fund partnerships with community housing providers, or acquire dwellings for the use of affordable housing.²

Council's preference is to receive the dedication of dwellings to be used for affordable housing. Until an adopted AHCS is in place, in-kind dedication is the likely to be the key mechanism for satisfying this requirement in the TOD precincts.

Unless otherwise published in the contribution scheme, Council would consider the monetary equivalent affordable housing contribution to be the value of the unit. Therefore, if the monetary equivalent is in Council's opinion, below the market value of the units, Council would then accept an in-kind contribution. This could then be sold to generate a monetary contribution if the unit is not suitable for affordable housing.

14. Dedications of Affordable Housing

Affordable housing must be high-quality housing that respects the dignity of the residents

14.1 Standard of dedicated dwellings

Council will accept dedication of dwellings only where in the opinion of Council it is indistinguishable from market housing in the LGA. The design and construction standard of affordable housing dwellings is to be consistent with other dwellings in the LGA and not able to be distinguished as affordable housing compared with the design of market housing.

The total gross floor area (GFA) of affordable dwellings should exceed 50 square metres. If the GFA is less than 50 square metres, a monetary contribution be required to be payable.

Where only part of a contribution is satisfied through dedication of completed dwellings, any remaining requirement must be paid as a monetary contribution.

14.2 Use of dedicated dwellings

Titles for the affordable housing dwelling(s) must be transferred to Ku-ring-gai Council following registration with the Land Registry Services (LRS). The dwellings are to remain on the Council's asset register noting they are to be used for affordable housing.

Ku-ring-gai Council and any property manager will monitor the financial performance of its total affordable housing portfolio with regular budget forecasting (12 months or longer) to ensure there is sufficient income to cover all the property outgoings (including replacement and long-term maintenance).

Trading affordable housing assets is covered in Section 20.

14.3 Property management by community housing providers

² Where dwellings are delivered as a result of monetary contributions, these are to remain in perpetuity.

The day-to-day management of affordable housing will be managed externally to Council. Council will not make tenant selections.

Council will engage one or more Registered Community Housing Providers (CHPs) to lease and manage the affordable housing on behalf of Ku-ring-gai Council. The CHP will be selected through a competitive process consistent with the Procurement Policy.

The Registered Community Housing Provider will manage property consistent with NSW Fair Trading, applicable legislation, policies and guidelines.

The Registered Community Housing Provider will be the authorised property agent.

The Property Manager will:

- Manage leases consistent with the affordable housing eligibility and allocation policies (see section 17.0);
- Monitor and review outgoings and recoveries;
- Assess and review rent as per the lease terms, guidelines and policy;
- Manage vacancies;
- Manage notices to vacate, lease surrender or termination management;
- Manage lease arrears, non-compliance, complaints and dispute management.
- Manage all tenant interactions in leasing and management of the property;
- Maintain adequate insurances; and
- Maintain registration and compliance as a Registered Community Housing Provider.

15. Monetary Contributions

Monetary contributions are to be the equivalent of dedicated dwellings. Where a dwelling is dedicated to Council, Council has the opportunity of realising a monetary contribution by selling the dedicated dwellings and re-investing into fit-for-purpose affordable housing.

Therefore, Council expects that monetary contributions are the equivalent to the sale price of off-the-plan dwellings of a similar standard. This could be completed by a valuer or with reference to the advertised sale prices of the units.

Council may create standard monetary equivalent rates for areas from time-to-time. The equivalent rates will be published on the website.

15.1 Use of monetary contributions

Monetary contributions are used for the sole purpose of providing and managing affordable housing in perpetuity. This could include:

- Acquiring land for affordable housing
- Acquiring dwellings for affordable housing in the LGA such as those with low maintenance costs and strata fees
- Building purpose built affordable housing
- Co-funding development by community housing providers.

15.2 Development partnerships with community housing providers

Council will seek appropriate partnerships for development with Community Housing Providers

Council will seek to partner with Community Housing Providers on development. This will include:

- Financing development
- Partnering on development sites
- Co-owning developments.

Partnerships with Community Housing Providers will be delivered through mechanisms consistent with Council's procurement policy.

Managing Affordable Housing

16. Affordable Housing Eligibility

Council will appoint a community housing provider to undertake management and eligibility of affordable housing.

Affordable housing that has either of the following, must comply with the NSW affordable housing Ministerial Guidelines 2023/24 (as updated):

- has received funding or financing from the NSW Government, or
- was developed under the State Environmental Policy (Housing) 2021 or State and Environmental Planning and Assessment Amendment (Housing) Regulation 2021

To demonstrate eligibility, residents must:

- establish their identity
- live in NSW
- be a or hold permanent residence in Australia
- be able to sustain a successful tenancy, without support or with appropriate support in place
- meet maximum income thresholds in the Table below (as updated each year)
- be in housing need and unable to resolve this need without assistance, such as living in unaffordable or unsuitable housing or needing to relocate for employment or family reasons.
- not have assets or property which could reasonably be expected to solve their housing situation.

The income threshold criteria is based on the median income creating household equivalence for families. These are summarised below in Table 2 for 2023/24: This table provides a reference guide to maximum income levels for a range of different household sizes and combinations.

Table 2: Household income eligibility limits for Sydney region: 2023/24

Household Type	Very Low	Low	Moderate
Single	\$32,300	\$51,700	\$77,600
Single + 1	\$42,000	\$67,200	\$100,900
Single + 2	\$51,700	\$82,700	\$124,200
Single + 3	\$61,400	\$98,200	\$147,500
Single + 4	\$71,100	\$113,700	\$170,800
Couple	\$48,500	\$77,600	\$116,400
Couple + 1	\$58,200	\$93,100	\$139,700
Couple + 2	\$67,900	\$108,600	\$163,000
Couple + 3	\$77,600	\$124,100	\$186,300
Couple + 4	\$87,300	\$139,600	\$209,600

Source: NSW Government Department of Communities and Justice (2024)³

This table is subject to annual revision at the conclusion of the relevant financial year.

³ Income eligibility limits vary according to household size and income category, with the maximum limit increasing with each additional person in a household. The income categories are divided into Very Low, Low, and Moderate incomes, with each category having a specific income threshold for households of different sizes. The increase in income thresholds as household size grows reflects the additional financial responsibilities of supporting more people in a household. For example, larger households typically have more expenses, such as childcare, education, food, and healthcare, so their income eligibility limits are set higher than for smaller households.

17. Allocation

Council will appoint a manager for the affordable housing who will manage the allocation of affordable housing units.

17.1 Allocation principle

Ku-ring-gai will support key workers, residents, and those with a long-term connection to the area—whether through residency or employment—to continue living in Ku-ring-gai.

17.2 Allocation policy

Council owned affordable housing will seek to support those that are eligible for affordable housing. When considering applications priority will be given to the following target groups:

- Key workers working in Ku-ring-gai LGA*
- Ku-ring-gai residents in housing stress
- Women older than 65
- Those with a close connection to Ku-ring-gai, including long term residents and persons with a social or economic association with the Council area.
- Those with long standing employment in Ku-ring-gai and the greatest distance commute.

If these groups do not apply for affordable housing, the community housing provider or manager will apply normal eligible criteria for affordable housing.

17.3 Target groups

Key workers in Ku-ring-gai LGA include workers in the following industries:

- Health
- Education
- NSW Police
- Fire and Rescue NSW
- NSW Department of Communities and Justice
- Early Education
- Disability Support
- Aged Care
- Ku-ring-gai Council.

18. Tenure

Managers of council owned or funded affordable housing can provide leases on a fixed-term or on a continuous basis.

Council acknowledges there are very few affordable options in the LGA for those that are eligible for affordable housing. Council's policy is that as long as the household remains eligible for affordable housing the lease can generally be renewed or continued.

To remain in affordable housing, households must continue to meet all eligibility criteria specified in the NSW affordable housing Ministerial Guidelines.

19. Rent Setting

The rent for council-owned or funded affordable housing will be set at 30% of the gross household income consistent with Section 13 of the Housing SEPP. Rent will be re-assessed and adjusted annually.

20. Trading Affordable Housing Assets

Council or partner community housing providers may dispose of affordable housing stock to better meet demand, realise capital growth, redevelop to a higher density, or recycle older stock.

Any disposal or re-investment of council owned affordable housing will require Council approval. In partnering with community housing providers, a covenant on title will be placed to ensure that the housing outcome remains as affordable housing, even between the disposal and reinvestment of the housing stock. The net proceeds of the sale of council affordable housing assets must be reinvested in affordable housing supply with the objective being no net loss of affordable housing in Ku-ring-gai LGA.

Monitoring Affordable Housing

To ensure the effective delivery of affordable housing, Ku-ring-gai will monitor affordable housing delivery, which will include:

- **Annual progress tracking:** Council will report the contributions received in both number of dwellings and money received.
- **Reporting:** Annual updates on affordable housing progress, including key metrics and outcomes, will be made publicly available to ensure transparency.

This monitoring framework will help ensure that affordable housing targets are met and maintained, and that the process remains transparent and accountable.

Definitions

Term / Abbreviation	Definition
Affordable housing	Affordable housing is rental housing available for very low income households, low income households or moderate income households. Affordable housing is defined by the Environmental Planning and Assessment Act 1979 and the Housing State Environment Planning Policy 2021 (SEPP).
Affordable housing contributions scheme	A document prepared by the Council and confirmed by a planning proposal. It allows Councils to set out how, where and at what rate to charge a levy for affordable housing. This levy is in addition to any other development contributions required under sections 7.11 or 7.12 of the Environmental Planning and Assessment Act, 1979.
Community housing providers (CHP)	A not-for-profit organisation which provides affordable rental (and social) housing for very low, low, to moderate income household. CHPs are registered under the National Regulatory System for Community Housing.
Difference between affordable housing and social housing	Social housing is government subsidised housing designed for people with the greatest need on very low incomes, whereas affordable housing serves a wider spectrum of low to moderate-income earners.
Key workers	Workers on very low to moderate incomes critical to the economic and social development of Ku-ring-gai, including but not limited to occupations such as school teachers, aged carers, midwifery and nursing professionals, hospitality and retail workers, personal carers, aides and assistants, child carers, fire fighters, police, transport workers and drivers (especially bus and rail), cleaners and laundry workers.
Low income household	Low income household earns between 50% and 80% of the median Sydney income.
Moderate income household	Moderate household earns between 80% and 120% of the median Sydney income.
Planning agreement	A voluntary agreement between a planning authority and a developer in which a developer agrees that as part of a development proposal or rezoning that they will make a contribution towards a public benefit which may include the dedication of land or dwelling units for the purpose of affordable housing.
Rental stress	Households who are paying more than 30% of their household income on rent.
Very low income household	Very low income household earns less than 50% of the median Sydney income.