

Attachment 5 - Recommended affordable housing conditions

Affordable Housing

1. Affordable Housing Conditions pursuant to clause 6.8 of the Willoughby Local Environmental Plan

In accordance with clause 6.8 of the Willoughby Local Environmental Plan (WLEP) 10% of the residential gross floor area in the development (being the residential component of the development related to this SSDA consent **i.e. XXXm²**) is to provide for affordable housing. Such provision of affordable housing in accordance with clause 6.8 of the WLEP is satisfied by either (or a combination) of the following:

Monetary Contribution

- (a) The applicant shall pay to Council a monetary contribution for the purpose of providing affordable housing that is calculated at 10% of the residential gross floor area of the development **(which in this case is XXXm² i.e. 10% x XXX = XXXm²)**. The amount of the monetary contribution is determined by reference to the market value of dwellings of a similar size to the dwellings in the proposed development, and as set out below:
 - (i) **Within three (3) months of the issue of the Construction Certificate**, the applicant is to submit to Council a valuation report (prepared by a registered valuer) identifying the market value of dwellings of a similar size to dwellings in the development by reference to the recent sales prices of such new dwellings of similar size and, in the absence of recent sales prices at the subject development, recent sales price of similar sized dwelling(s) in comparable development(s) within the Willoughby local government area.
 - (ii) Council will consider the valuation report and, acting reasonably, determine the amount of the contribution to be paid.
 - (iii) If it considers it desirable to do so, Council may appoint an independent registered valuer to undertake a separate valuation. The applicant / developer is to pay Council all reasonable costs associated with the service provided by Council's appointed valuer for this valuation.
 - (iv) The applicant is to submit to Council's Director of Planning & Infrastructure the valuation report and documentation to demonstrate how the applicant has calculated the contribution, including identifying the residential gross floor areas used in the calculation. The evidence is to be provided prior to any application being made for an Occupation Certificate, and before any payment of contribution is made. If this valuation report option is taken, payment shall be made **within three (3) months of Council's written acceptance of the valuation report**.

- (v) Alternatively to (i) to (iv) inclusive above, a figure (mean) for the market value of dwelling sales in Willoughby is obtained from the most recent (recent at the time of payment) Rent and Sales Report issued by the Department of Communities and Justice. In the event this option is chosen, a date stamped screenshot of the relevant figure within the Rent and Sales Report must be provided, and the payment made within three (3) months of the date displayed in the screenshot. A unit size of 100m² may be assumed for the purpose of the calculation.

Evidence of payment of the monetary contribution (by electronic transfer pursuant to s210 Environmental Planning and Assessment Regulation 2021) is to accompany the application for any Occupation Certificate.

Dedication of Affordable Housing units to Council

- (b) The dedication of complete residential dwelling units within the development (being the residential component of the development related to this SSDA consent **i.e. unit numbers and levels to be specified**; each having a gross floor area of at least 50m², and equivalent to the mapped percentage of 10% of the residential component of the development related to this consent **(residential component is XXXm² i.e 10% x XXX = XXXm²)**. Each affordable dwelling must have an appurtenant car space. The affordable housing unit(s) and appurtenant car spaces to be dedicated to Council must be clearly shown on the Construction Certificate plans. A **Housing Transfer Deed** that identifies all affordable housing units for dedication to Council **must be executed prior to issue of the first Occupation Certificate**.

The terms of this Housing Transfer Deed must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings and appurtenant car spaces to Council's ownership is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated, or within two months of the issue of an Occupation Certificate, whichever comes first. The applicant must agree to pay the Council's reasonable legal costs in satisfying itself that the agreement is appropriate, and a provision to this effect is to be included in the agreement.

(Reason: Increase affordable housing supply, Ensure compliance)

2. NSW Affordable Housing Ministerial Guidelines 2023/24

The NSW Affordable Housing Ministerial Guidelines 2023/24 (or subsequent updates) must be complied with. The Community Housing Provider must be notified to Council, and must provide Council on an annual basis occupancy levels for affordable housing and tenant sector employment data.

(Reason: Compliance, Housing affordability)

3. 88E Restriction – Affordable Housing

Pursuant to s 82 Environmental Planning and Assessment Regulation 2021, a restriction must be registered, in accordance with the *Conveyancing Act 1919*, section 88E, against the title of the property relating to the development, which will ensure the affordable housing component must be used for affordable housing, and the affordable housing component must be managed by a registered community housing provider. Further, that evidence of an agreement with a registered community housing provider for the management of the affordable housing component is given to the Registrar of Community Housing, including the name of the registered community housing provider.

(Reason: Compliance)

4. Affordable Housing Fittings and Finishes

Prior to the issue of the Construction Certificate, the applicant is to submit to the Certifier details of all internal fittings and finishes of the affordable housing dwellings. The applicant is responsible for obtaining written confirmation from the Certifier that the Certifier is satisfied that the internal fittings and finishes are at the same standard as other dwellings within the development.

(Reason: Amenity)