AFFORDABLE HOUSING CONTRIBUTION SCHEME RESILIENT SYDNEY PROJECT

COMPENDIUM



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Introduction

The purpose of this Compendium is to assist NSW councils preparing an Affordable Housing Contribution Scheme (AHCS). It is designed to be used in conjunction with document entitled "Template Affordable Housing Contribution Scheme" also produced by Urbanista.

This Compendium comprises:

Examples of approaches used in current schemes including in relation to:

- Legislative basis for scheme
- Relationship to other housing initiatives
- Contribution rates
- Conditions of consent

Implementation tools to assist councils in:

- Partnering with community housing providers
- Structuring implementation frameworks
- Managing contributions and affordable housing assets

Other than the guidance on partnering with community housing providers, the material is derived from the shared knowledge of councils with an existing scheme. These insights will assist councils preparing a scheme for the first time.

A. Legislative Basis for an AHCS

Section 1.5 of the AHCS template as specified in the Department of Planning and Environment 'Guideline for Developing an Affordable Housing Contribution Scheme' (referred to in this document as the DPE AHCS Guideline) requires AHCSs to set out the legislative basis for the scheme.

An extract from approaches used in the Bays West Draft Affordable Housing Program and the City of Sydney Affordable Housing Program are set out below.

Example 1

Bays West - Draft Affordable Housing Program

Extract pp 2-3

This Program applies in accordance with the requirements in the Environmental Planning and Assessment Act 1979 (the Act).

The State Environmental Planning Policy (Housing) 2021 recognises that all local government areas within NSW are areas where there is a need for affordable housing.



Local environmental plans contain controls for the calculation, levying and management of affordable housing contributions in the Inner West Council LGA. The various contribution requirements operating in the city achieve the requirements of the Act in different ways, as described at Appendix A.

In respect to the Bays West Precinct, it is submitted that development as envisaged in the Master Plan and State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 (SEPP EHC), will satisfy the requirement for the collection of affordable housing contributions under Section 7.32 of the Act on the bases that:

- the proposed development will reduce the availability of affordable housing within the area.
- the proposed development will create a need for affordable housing within the area.
- the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site.

Example 2

City of Sydney – Affordable Housing Program

Extract pp 2-3

The Environmental Planning and Assessment Act 1979 (the Act) considers the promotion of the social and economic welfare of the community as one of its objectives. In 1999 the Act was amended to specifically include the provision and maintenance of affordable housing as an Object of the Act.

Section 7.32 of the Act allows for the collection of contributions for affordable housing where a need for affordable housing is identified in a planning instrument and where one of the following applies:

(a) the consent authority is satisfied that the proposed development will or is likely to reduce the availability of affordable housing within the area, or

(b) the consent authority is satisfied that the proposed development will create a need for affordable housing within the area, or

(c) the proposed development is allowed only because of the initial zoning of a site, or the rezoning of a site, or

(d) the regulations so provide.

State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes) 2009 (SEPP 70) identifies that there is a need for affordable housing in the City of Sydney.

Local environmental plans contain controls for the calculation, levying and management of affordable housing contributions in the City of Sydney.

The various contribution requirements operating in the city achieve the requirements of the Act in different ways, as described at Appendix A.



B. Relationship to other affordable housing initiatives

Section 1.6 of the AHCS template as specified in the DPE AHCS Guideline requires an AHCS to outline the relationship between the scheme and other affordable housing initiatives. Two examples are provided below from the Bays West Draft Affordable Housing Program and the City of Sydney Affordable Housing Program.

Example 1

Bays West Precinct Affordable Housing Needs Analysis

Extract pp 4-5

4. Planning and Policy Context for Provision of Affordable Housing

Bays West is located on the north-eastern edge of the Inner West LGA. Planning for the area is guided by and referenced in the following inter-connected strategic documents which guide land use, transport and infrastructure planning for Sydney:

- Greater Sydney Region Plan: A Metropolis of Three Cities
- Eastern City District Plan
- Future Transport 2056
- State Infrastructure Strategy 2018-36
- NSW Freight and Ports Plan 2018-23
- Bays West Place Strategy

Also relevant are the local government strategic planning documents developed by both the Inner West and City of Sydney Councils, which have been developed in response to Greater Sydney Commission District Plans. Of relevance for this project are the:

- Our Place Inner West Housing Strategy
- Inner West Affordable Housing Policy
- Housing for All: City of Sydney Local Housing Strategy
- City of Sydney Affordable Rental Housing Strategy
- Various background reports prepared to develop the Stage 1 Bays West Masterplan.

Housing the city is one of the key directions of A Metropolis of Three Cities. When prepared, the plan recognised the significant barrier that people face accessing housing that is affordable, "Greater Sydney has been measured as being one of the least affordable housing markets globally and is the least affordable Australian city."

To support the provision of housing to meet future population growth and changing housing needs and respond to the challenges for low and moderate income households, the plans objectives for Housing the city are greater housing supply and housing that is more diverse and affordable.



Further, the plan found that affordable rental housing targets in the range of 5-10 per cent of new residential floor space are viable within Greater Sydney, noting that this would be tailored to nominated areas and subject to viability. It identified the need for further work by the Greater Sydney Commission (now the Greater Cities Commission) to support the implementation of the Affordable Rental Housing Targets including consideration of allocation, ownership, management and delivery models.

The Eastern City District Plan identified the need for an additional 157,500 homes between 2016 and 2036 across the Eastern District. Specific actions for housing (16 and 17) in the plan required councils to develop local housing strategies to provide the housing needed and prepare Affordable Rental Housing Schemes.

In 2020 the Inner West Council adopted its local housing strategy, *Our Place - Inner West* to guide its planning for housing in response to the District Plan and local circumstances. It found there is a large demand for affordable housing in the LGA with almost 10% of households (predominantly renters) experiencing housing stress. The *Inner West Affordable Housing Policy* also highlights the failure of the housing market to provide housing that is affordable for very low and low income households.¹

The Bays West Place Strategy highlights the opportunity urban renewal of the precinct presents to address key commitments and objectives set out in these strategies and plans "including the delivery of a strong economy, well-connected communities and quality local environment".² In relation to affordable housing, the planning framework includes *Strategy Direction 2 Deliver a range of housing, including affordable housing, to support the jobs created in the precinct and the ongoing growth of the Eastern Harbour City and metropolitan Sydney.*

The recognition of affordable housing as an integral part of the urban renewal for Bays West is an important component for delivering the NSW Government's vision for the area as an innovative and sustainable new place for living, recreation and working. The proposal to include affordable housing (in perpetuity) in the area will respond positively to the directions in the Greater Sydney Regional Plan and Eastern Harbour District Plan, which recognise the importance of affordable housing to sustainable communities and the aspirations of the Inner West Council to move towards closing the affordability gap.

While the provision of affordable housing will help respond to current and future housing needs in the area, it also speaks to the history and culture of the area as a working class suburb housing low income households. As stated in the vision for the precinct, "Bays West will represent a new kind of Sydney urbanism that respects and celebrates Country." Ensuring that indigenous people have access to housing that is affordable will be important to the fulfillment of this vision.

¹ Inner West Affordable Housing Policy May 2022

² Bays West Place Strategy

Example 2

City of Sydney Affordable Housing Program

Extract pp 2-3

1.4 Background

Sydney remains Australia's least affordable city. The high cost of housing is an important economic and social issue in Sydney, particularly within the city where housing prices are amongst the highest in metropolitan Sydney.

The loss of lower and middle income households from the city results in a less diverse community with only high income households in private housing and very low income households remaining in the city's social housing. This 'hollowing out of the middle' has social and economic risks to the individual and to the community.

The state government has long recognised the importance of providing affordable housing through the planning framework. The Eastern City District Plan (District Plan), released in March 2018, recognises the critical need to provide more affordable rental housing in the Eastern District and includes a range of planning priorities and indicators for the delivery of affordable housing through the planning framework.

The District Plan also includes a target when planning proposals are being prepared for urban infill or land release areas, that five per cent to 10 per cent of new floor area be provided as affordable rental housing, subject to development feasibility being established at the precinct scale. The District Plan does not prevent local government from establishing alternate contribution rates so long as development viability is retained.

The City's Sustainable Sydney 2030 Vision establishes an ambitious affordable housing target that in 2030, 7.5 per cent of housing will be social housing and 7.5 per cent of housing will be affordable housing.

The City has a history of providing affordable housing through the planning framework. In 1996 the first affordable housing contribution scheme in NSW was introduced in Ultimo/Pyrmont to ensure that as the area developed a proportion of housing remained available for very low to moderate income earners. A similar scheme was introduced in Green Square in 1999 when it was rezoned from industrial land to mixed use.

In 2006 an affordable housing contribution scheme was introduced by the NSW government on significant sites in Redfern-Waterloo. In 2015 a scheme was introduced to support the rezoning of the Southern Employment Lands.

This Program streamlines and consolidates the Green Square and Southern Employment Lands schemes and introduces new schemes for Central Sydney, residual land and Planning Proposal land.

Not all the affordable housing we need to support sustainable growth can be achieved by this Program. A range of approaches and a collaborative effort between the state government, the City, community housing sector and the private sector is required.



C. Affordable Housing Contribution Rates

Section 2.1 of the AHCS template as specified in the DPE AHCS Guideline requires an AHCS to establish an affordable housing contribution rate as either a percentage of floor space that can equate to a completed affordable rental unit, which can be dedicated, or a monetary contribution rate, or any combination of the two. Examples of approaches are provided below.

Example 1

Kensington to Kingsford Town Centres Affordable Housing Plan

Extract pp 9-10

2.4. Affordable housing contributions

| Date of DA lodgement From 13 August 2020 up to and including 13 August 2022 | Percentage of total floor area used for residential purposes to which the development application relates 3% |
|---|---|
| After 13 August 2022 | 5% |

The following contribution rates are specified in the planning proposal:

A contribution is to be calculated based on the total floor area used for residential purposes of the residential component of the development to which the development application relates, as defined by clause 6.18 of Randwick LEP 2012 and under 2.5 of this Plan. There are to be no 'savings' or 'credit' for floor space that already exists on the site, even if the building is being adapted and reused. There are two possible ways to make the contribution:

1. Dedication of affordable housing units on site or 'In-kind' contribution – build and dedicate free of charge the required affordable housing dwellings, or

2. Monetary contribution 'in-lieu' of affordable housing units – a monetary contribution that is equivalent to the required 'in-kind' affordable housing.

The preferred contribution is via an in-kind contribution – build and dedicate free of charge to the Council, the required affordable housing dwellings in order to achieve the objectives of this plan. Each dwelling is to have a gross floor area of not less than 50 square metres and be incorporated within the proposed development.

However, if the percentage of total floor area to be dedicated as affordable housing results in an area which equates to less than 50 square metres, then payment of an in lieu monetary contribution must be made (to the Council by the applicant). In some cases, a contribution may comprise a combination of an in-kind and monetary contribution.

For development which cannot be subdivided such as boarding houses under the Affordable Rental Housing SEPP or Purpose Built Student Accommodation, this plan outlines that a monetary contribution will apply.



The (in lieu) monetary contribution to be paid, is the rate detailed in this plan (under 2.6 'making a monetary or in lieu contribution).

The requirement for an affordable housing contribution will be a condition of development consent. In all instances, the Council will require evidence, via a legal agreement, that the condition of development consent relating to affordable housing has been satisfied prior to the granting of any construction certificate.

2.5. Defining total floor area

The clause 6.18 of Randwick LEP 2012 requires the dedication of affordable housing units at rates based on the total floor area, which is defined as:

The total of the areas of each floor of a building within the outer face of the external enclosing walls and including balconies, but excluding the following:

(a) columns, fins, sun control devices, awnings and other elements, projections or works outside the general lines of the outer face of the external walls

(b) any area of a balcony that is more than the minimum area required by the consent authority in respect of the balcony Policy Page 10 of 42

(c) the maximum ancillary car parking permitted by the consent authority and any associated internal vehicular and pedestrian access to that car parking

(d) space for the loading and unloading of goods.

2.7. Monetary contributions in lieu of affordable housing units

The current rates for the period of December 2018, for providing monetary contributions in lieu of providing units on site are:

i \$324.38 per square metre of total floor area used for residential purposes (up to 30 June 2021); and

ii \$540.62 per square metre of total floor area used for residential purposes (from 1 July 2021) The rate is to be updated in line with the Department of Family and Community Services, Rent and Sales, quarterly reports and as set out under section 2.8 below.

Council's website will contain the current rates for this Scheme, as indexed from time to time.

Calculating the contribution in Kensington and Kingsford town centres

For example, estimating a contribution towards affordable housing for a new 2,400 square metre mixed use development comprising of 720 square metres of commercial floor space and 1,680 square metres of residential floor space, it would be calculated as shown below.



Scenario 1

This scenario assumes that the total contribution be dedicated as complete dwellings to be dedicated as affordable housing units.

| Floor space breakdown of | Applicable contribution rates | Amount to be dedicated |
|--------------------------|--|---|
| development | towards affordable housing | |
| 720 sqm of commercial | No affordable housing contribution required for commercial floor space | |
| 1,680 sqm of residential | 3% applicable | 50.4sqm to be dedicated as one whole unit |

Scenario 2

The second scenario provides an example of a monetary contribution to be paid out as an equivalent monetary contribution in accordance with the rates as specified in 2.7 of this Plan, where the minimum in kind provision is not practical given the size of development. Required minimum unit size is 50sqm.

For example, a mixed-use development comprising of 300 sqm of commercial floor space and 700sqm of residential floor space, it would be calculated as shown below.

| Floor space breakdown of | Applicable contribution rates | Amount to be dedicated |
|---------------------------------|-----------------------------------|-------------------------------|
| development | towards affordable housing | |
| 300 sqm of commercial | No affordable housing | |
| | contribution required for | |
| | commercial floor space | |
| 700 sqm of residential | 3% applicable | 21 sqm |
| Scenario 2: Contribution toward | s affordable housing as a monetar | y contribution |
| | | Scenario 2: Contribution |
| | | towards affordable housing as |
| | | a monetary contribution |



Example 2

City of Sydney Affordable Housing Program

Extract pp 7-10.

Note: The City of Sydney's Affordable Housing Program applies in several precincts and have differing contribution rates. For clarity, the extract below is for the Green Square and Southern Employment Lands.

2 Affordable housing contributions

This Section describes how an affordable housing contribution may be satisfied, the equivalent monetary contribution amounts for the rates in the LEPs, how the contribution will be applied in the development application process and how it will be managed for the provision of affordable housing.

2.1 Contribution rates

Local environmental plans (LEPs) establish the affordable housing contribution rate as it applies to land.

The rate varies across different areas and types of land.

2.1.1 Green Square and Southern Employment Lands

On land in Green Square and in the Southern Employment Lands, the contribution rate is:

- 1 per cent of the total floor area that is to be used for non-residential uses, and
- 3 per cent of the total floor area that is to be used for residential uses.

The contribution may be satisfied by dedication of dwellings or by making an equivalent monetary

contribution in accordance with Section 2 of this Program.

2.1.2 Central Sydney and residual lands

In Central Sydney and on residual land, the contribution rate is:

| Date of lodgement of development application | Non- residential rate | Residential rate |
|--|-----------------------|------------------|
| 1 July 2021 to 30 June 2022 | 0.5% | 1.5% |
| 1 July 2022 onwards | 1% | 3% |

The contribution may be satisfied by dedication of dwellings or by making an equivalent monetary contribution in accordance with Section 2 of this Program.



2.1.3 Planning Proposal lands

On Planning Proposal land the contribution rate varies from site to site. The rate, once determined through the planning proposal process, is specified in the LEP. The contribution requirement for Planning Proposal land is in addition to any other contribution requirement that may apply under the LEP. The contribution may be satisfied by dedication of dwellings or by making an equivalent monetary contribution in accordance with Section 2.1.4 of this Program. The LEP may specify how the contribution requirement must be satisfied.

The approach used to establish the appropriate contribution rate for land that is listed on the schedule is described at Appendix B.

2.1.4 Equivalent monetary contribution amount

In Central Sydney, Southern Employment Lands, residual land and Planning Proposal land the equivalent monetary contribution amount for the period of 1 March 2018 to 28 February 2019 is \$10,588.00 per square metre.

In Green Square, up to 29 February 2020, the equivalent monetary contribution amount for the period of 1 March 2018 to 28 February 2019 is \$8,163.00 per square metre. From 1 March 2020, the equivalent monetary contribution amount for the period of 1 March 2018 to 28 February 2019 is \$10,588.00 per square metre.

Adjustments are made to the equivalent monetary contribution amount on an annual basis in accordance with this Program. The City of Sydney's website lists the current monetary contribution amounts as indexed.

2.1.5 Satisfying a contribution by dedicating dwellings

An affordable housing contribution requirement may be satisfied by dedication, free of cost, of affordable housing dwellings to Council. Affordable rental dwellings resulting from a contribution are to be provided in the development in accordance with the following requirements:

• affordable rental dwellings are to align with the Affordable Housing Principles at Section 1 of this

Program

- affordable rental dwellings are owned by government or a recommended or eligible CHP
- affordable rental dwellings are provided in the city in perpetuity

• affordable rental dwellings are rented to very low, low and moderate income households for an absolute maximum of 30 per cent of gross household income

• where more than 10 affordable rental dwellings are being provided in the development, at least 25 per cent of dwellings are to be allocated to very low income households and 25 per cent of dwellings to low income households

• all rent received from the affordable rental dwellings after deduction of management and maintenance costs will only be used for the purpose of improving, replacing, maintaining or providing additional affordable rental housing. This includes the investment of monies to meet cyclical maintenance costs and all rates and taxes payable in connection with the dwelling

• affordable rental dwellings are designed and constructed to a standard which, in the opinion of Council, is generally consistent with other dwellings in the city, that is, they are not differentiated as affordable housing compared with the design of other housing



• each affordable rental dwelling is to have a total floor area of not less than 35 square metres, with any remainder being paid as a monetary contribution to Council, and

• where multiple affordable rental dwellings are provided in the development, the amenity benchmarks established by the Apartment Design Guideline (or any subsequent Guideline that may apply from time to time) are to be generally achieved. For example, 70% of the affordable housing dwellings should achieve adequate solar access.

The location, size and quality of affordable housing dwellings are to be to the satisfaction of Council and the receiving CHP. If they are not to satisfaction, Council may require changes to the development application, or that the contribution be made by way of an equivalent monetary contribution.

Where part of a contribution is satisfied by dedicating dwellings, any remaining floor area must be paid as a monetary contribution.

All floor area to be dedicated for affordable housing is to be allocated as dwellings, that is, common circulation areas are not considered part of the contribution requirement. An exception to this is where all the affordable housing floor area is provided as a full floor of a development or as a standalone building.

Appendix C details the process for dedicating dwellings for affordable housing.

2.1.6 Calculating the contribution in Green Square and the Southern Employment Lands

In Green Square and the Southern Employment Lands, the contribution requirement applies because the areas were rezoned. Over time, it is envisaged that all floor area in these areas will make a contribution to affordable housing, because all floor area has benefited from the rezoning.

The contribution is therefore calculated on all of the total floor area in the building to which the development application applies.

Example

A development application in Green Square for a new 10,000sqm development, comprises 1,000 square metres of non-residential total floor area and 9,000sqm of residential total floor area. The affordable housing contribution is calculated as:

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(1% x 1,000sqm) + (3% x 9,000sqm) = 280sqm of dedicated floor area
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or

(1% x 1,000sqm x \$10,588) + (3% x 9,000sqm x \$10,588) = \$2,964,640 equivalent monetary contribution

Note: This is a simplified example. No exemptions have been applied.



Example

A development application for a warehouse conversion in the Southern Employment Lands includes a new mezzanine level comprising 1000sqm of non-residential total floor area. The existing total floor area in the warehouse is 2000sqm. The affordable housing contribution is calculated as:

(1% x 3,000sqm x \$10,588) = \$317,640

Note: This is a simplified example. No exemptions have been applied.

Note: in-kind contribution will not be suitable in a purely non-residential development.

Example 3

Canada Bay – <u>City of Canada Bay Affordable Housing Contribution Scheme</u> (Draft October 2020)

SECTION 2: AFFORDABLE HOUSING CONTRIBUTIONS

2.1 Contribution rates

Affordable housing contributions are in addition to other contributions including local infrastructure contributions (s7.11 or s7.12) and special infrastructure contributions (Subdivision 4 of the Act).

All development in the Affordable Housing Contribution Areas must contribute to affordable housing, required through a condition of development consent. Contributions must meet the following requirements:

• A contribution is to be calculated in accordance with the requirements of this section. There are no savings or credits for floor space that may exist on the site, even if the building is being adapted or reused.

• If the contribution is less than 50 sqm then it must be made as a monetary contribution.

• A contribution in some instances may comprise a combination of in-kind dedication and monetary contribution.

• Adaptable floor area (from existing commercial/industrial to residential) is calculated in the total residential gross floor area for the purpose of calculating an affordable housing contribution.

• In all instances Council will require evidence that that the condition of consent has been satisfied prior to the granting of a Construction Certificate.

The rates of affordable housing contributions required under the AHCS are as follows:



Rhodes East and Rhodes West Affordable Housing Contribution Areas

Rhodes East Affordable Housing Contribution Area: 5% of the total gross floor area that is to be used for residential uses.

Rhodes West Affordable Housing Contribution Area: 5% of the additional gross floor area that is to be used for residential uses (except for 4 Mary Street and 1-9 Marquet Street in Rhodes where 3.5% of the additional gross floor area applies)

Parramatta Road Corridor Affordable Housing Contribution Areas:

• Kings Bay Affordable Housing Contribution Area - 4% of the total gross floor area that is to be used for residential uses.

• Burwood Affordable Housing Contribution Area - 4% of the total gross floor area that is to be used for residential uses.

• Homebush Affordable Housing Contribution Area - 4% of total gross floor area (except for 3 King St and 176 George Street in Concord West where 5% of additional gross floor area applies)

160 Burwood Road, Concord Affordable Housing Contribution Area:

160 Burwood Road, Concord: 5% of the total gross floor area that is to be used for residential uses.

A detailed justification for the above rates and description of the viability testing for each of the locations can be found in Appendix B. There are three methods by which a contribution requirement may be satisfied:

- Dedication of completed dwellings (refer section 2.2);
- Making an equivalent monetary contribution (refer section 2.3); or
- Contribution of land for affordable housing (refer section 2.4).

When submitting a DA, the documentation should confirm which method of contribution is proposed



Example 4

Northern Beaches – Affordable Housing Contribution Scheme

Extract p6

2.1 Contributions Rates

The following affordable housing rates apply to the areas in which the Scheme applies:

1. The Frenchs Forest Planned Precinct (Figure 1)

Where the contribution is provided as a dedication of dwellings:

• Within area "A" the dedication in favour of the consent authority, free of cost, one or more complete dwellings with a gross floor area equivalent to 10% of the accountable total floor space.

• Within area "B" the dedication in favour of the consent authority, free of cost, of one or more complete dwellings with a gross floor area equivalent to 15% of the accountable total floor space. Where the contribution is provided as an equivalent monetary contribution:

• \$11,000 per square metre. See Attachment 4 for the feasibility assessments for the Frenchs Forest Planned Precinct.



D. Conditions of consent

Example 1

Willoughby City Council

Prior to Issue of Construction Certificate

P03.004 Agreement to Transfer Affordable Housing Dwellings

The applicant must enter into a Deed with the Council providing for the transfer of title of the affordable housing dwellings to the Council, free of charge. The Deed is to be generally in accordance with the Housing Transfer Deed template available at Council and is to be submitted to the Council and executed prior to the issue of the Construction Certificate.

The terms of this agreement must be to the satisfaction of the Council and must include a provision to the effect that the transfer of the dwellings is to be completed within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate. 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.

The construction certificate plans should demonstrate that the physical requirements specified in the Housing Transfer Deed are satisfied. (Reason: Ensure compliance)

P03.006 Affordable Housing Monetary Contribution

The applicant shall make a monetary contribution for the purpose of providing Affordable Housing that is calculated at 4% of the accountable total floor area of the development to Council. In calculating the monetary contribution reference is to be made to the market value of dwellings of a similar size and taken from the most recent median sales price of such dwellings for the Willoughby local government area as documented in the Rent and Sales Report NSW published by Housing NSW or, if another document has been approved for that purpose by the Director – General, that document.

Prior to payment of the contribution evidence shall be submitted to Council's Director of Planning & Infrastructure demonstrating how the contribution has been calculated in accordance with the above requirement. The contribution is to be paid **prior to release of the construction certificate.** (Reason: Ensure compliance)

P03.005 Affordable Housing Fittings and Finishes

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



Prior to Issue of Occupation Certificate

P07.019 Affordable Housing – Bank Guarantee

(Note: If a Section 4.55 is lodged to request the payment to be made by bank guarantee, the following condition is to be imposed on the Section 4.55):

The monetary contribution for affordable housing is to be paid prior to the issue of any Occupation Certificate or two years after the issue of the Construction Certificate, whichever comes first. A bank guarantee is to be lodged and this bank guarantee is to:

- (a) Be issued by an Australian bank;
- (b) Require the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing, after which Council is able to grant the first Occupation Certificate or where no occupation certificate is required, the occupation of the development;
- (c) Prohibit the bank from having recourse to the applicant or other person entitled to act upon the consent before paying the guaranteed amount;
- (d) Provide that the bank's obligations will be discharged only when payment is made according to the terms of the bank guarantee, if the consent lapses, or, if Council notifies the bank in writing, that the bank guarantee is no longer required. The bank guarantee will otherwise have no date of termination;
- (e) Require the bank to pay the guaranteed amount, notwithstanding any notice to the contrary by the applicant or other persons entitled to act upon the consent; and
- (f) Provide that the maximum payable, if not paid in the same financial year as the development consent to which it relates, shall be indexed annually on March 1 on the basis of the Established House Price Index for Sydney for the preceding year (December to December- using arithmetic averages of the quarterly index numbers) as published by the Australian Bureau of Statistics (Cat. No. 6416.0).

(Reason: Ensure compliance)

P07.020 Affordable Housing – Fittings and Finishes

Prior to the issue of any Occupation Certificate, the Certifier must be satisfied that the affordable housing dwellings have the internal fittings and finishes at the same standard as the other dwellings within the development and in accordance with the schedule endorsed by Council.

Any costs associated with bringing the affordable housing dwellings to the standards required are to be borne by the applicant. (Reason: Amenity)



For the life-time of the development

P09.054 Affordable Housing Dwellings

The affordable housing dwellings (shown hatched on Plan XXXX and providing a total gross floor area of a minimum of XXXXm²) are to be dedicated to Willoughby City Council within two months of the registration of any subdivision of the development creating the areas to be dedicated and within 6 months of the issue of an Occupation Certificate for the purpose of affordable housing in accordance with Clause 6.8 of *Willoughby Local Environmental Plan 2012* as outlined below:

(a) list units, car spaces and adaptable units



Example 2

City of Sydney – Green Square

(1) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - FLOOR SPACE CONTRIBUTION

Pursuant to [CHOICE: Clause 27P|Clause 7.13] of the [CHOICE: South Sydney Local Environmental Plan 1998 (as amended)/Sydney Local Environmental Plan 2012] a total of [insert]sqm identified as Unit No(s) [insert unit number] on DA drawing No(s) [insert drawing number] must be provided to be used for the sole purpose of affordable housing in accordance with the principles as set out in Clause 27N of the [CHOICE: South Sydney Local Environmental Plan 1998 (as amended)/Sydney Local Environmental Plan 2012].

Prior to a Construction Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence to Council that the title to the affordable housing unit(s) to be contributed will be transferred to a recommended affordable housing provider in accordance with Schedule 1 of the [CHOICE: Green Square Affordable Housing DCP|Sydney Local Environmental Plan 2012].

Prior to an Occupation Certificate being issued, the applicant must provide evidence to Council that the title to the contributed unit(s) has been transferred to a recommended affordable housing provider.

A covenant in the terms set out in Attachment [insert number] is to be placed onto the title so that current and future property owners and Council will have evidence of the agreement in relation to the affordable housing unit(s) provided if the property is sold at any time in the future.

Note: If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

(2) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - FLOOR SPACE CONTRIBUTION IF NO CC REQUIRED (OR CROWN DA)

Pursuant to [CHOICE: Clause 27P|Clause 7.13] of the [CHOICE: South Sydney Local Environmental Plan 1998 (as amended)/Sydney Local Environmental Plan 2012] a total of [insert]sqm identified as Unit No(s) [insert unit number] on DA drawing No(s) [insert drawing number] must be provided to be used for the sole purpose of affordable housing in accordance with the principles as set out in Clause 27N of the [CHOICE: South Sydney Local Environmental Plan 1998 (as amended)/Sydney Local Environmental Plan 2012]

Prior to the commencement of construction, the applicant must provide evidence to Council that the title to the affordable housing unit(s) to be contributed will be transferred to a recommended affordable housing provider in accordance with Schedule 1 of the [CHOICE: Green Square Affordable Housing DCP/Sydney Local Environmental Plan 2012].

Prior to any occupation of the development the applicant must provide evidence to Council that the title to the contributed unit(s) has been transferred to a recommended affordable housing provider.



A covenant is to be placed onto the title so that current and future property owners and Council will have evidence of the agreement in relation to the affordable housing unit(s) provided if the property is sold at any time in the future.

Note: If any GST is liable for the affordable housing contribution(s), such GST component must be paid by the applicant.

(3) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with [CHOICE: Clause 27P | Clause 7.13] of [CHOICE: South Sydney Local Environmental Plan 1998 (as amended) | Sydney Local Environmental Plan 2012] and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$[insert amount] based on the in lieu monetary contribution rate for non-residential development at \$81.63 per square metre of total non-residential floor area [insert value]sqm, and for residential development at \$244.99 per square metre of total residential floor area [insert value]sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted [insert relevant period e.g. 1 March 2018 to 28 February 2019], the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

(a) Applicants have two payment options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team <u>GSPT@cityofsydney.nsw.gov.au</u> in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square Project Team <u>GSPT@cityofsydney.nsw.gov.au</u> in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

(b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.



- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = C x HPI2 / HPI1, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [insert relevant period e.g. 1 March 2018 to 28 February 2019].

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$).

(4) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE IF NO CC REQUIRED (OR CROWN DA)

In accordance with [CHOICE: Clause 27P | Clause 7.13] of [CHOICE: South Sydney Local Environmental Plan 1998 (as amended) | Sydney Local Environmental Plan 2012] and prior to commencement of construction, the applicant must provide Council with evidence that a monetary contribution towards the provision of affordable housing has been paid at the Department of Planning, or a bank guarantee in favour of The Department of Planning to the value of the required contribution has been lodged. The contribution is \$[insert amount] based on the in lieu monetary contribution rate for non-residential development at \$81.63 per square metre of total non-residential floor area [insert value]sqm, and for residential development at \$244.99 per square metre of total residential floor area [insert value]sqm. Contributions will be indexed in accordance with the formula set out below.

Prior to any occupation of the development, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period of the year in which the consent is granted [insert relevant period in which contribution is calculated (the period for which the above rates were relevant) e.g. 1 March 2018 to 28 February 2019], the amount of the contribution will be indexed in accordance with the formula set out below.



Notes:

(a) Applicants have two payments options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square Project Team <u>GSPT@cityofsydney.nsw.gov.au</u> in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team <u>GSPT@cityofsydney.nsw.gov.au</u> in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning.

Where Form A has been used, an occupation certificate will not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square Project Team <u>GSPT@cityofsydney.nsw.gov.au</u> in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning.

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount must be obtained from Council. The contribution amount can be obtained from the relevant Form A, B or C at time of payment.
- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning. To arrange payment, contact the Housing Policy Team, NSW Department of Planning on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = C x HPI2 / HPI1, where:
 - (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent [insert relevant period e.g. 1 March 2018 to 28 February 2019].



E. IMPLEMENTATION TOOLS

1. Partnering with Community Housing Providers

Community housing providers (CHPs) are non-profit managers and developers of affordable rental housing for very low, low and moderate income households and those with specific housing needs. Councils implementing affordable housing strategies, including an Affordable Housing Contribution Scheme, often work with CHPS to develop and/or manage the affordable housing delivered under the scheme. This section provides information about what CHPs offer and the regulatory framework under which they operate to assist councils to make informed decisions about the way they structure their scheme. Importantly, councils can improve efficiencies and optimise housing outcomes by partnering with one or more CHPs.

CHIA NSW is the peak industry body for CHPs in NSW, representing around 100 registered CHPs. Across the state, more than 54,000 homes are owned or managed by CHIA members. CHIA NSW reports that "in the past decade the industry has invested over \$1.82 billion to deliver 5,300 new homes across 49 local government areas in NSW."³

Most CHPs operating in NSW are registered under the National Regulatory System for Community Housing which ensures that providers meet rigorous performance standards (see further below) and that the assets they hold are maintained over the long-term to provide affordable housing for households in need. If in the unlikely event a CHP does fail to perform and is forced to wind up, its assets must be transferred to another provider and continue to be used for affordable housing purposes.

By partnering with a CHP, councils have the assurance that affordable housing generated through local or regional initiatives is managed in a professional and responsive way. Importantly CHPs have eligibility frameworks that ensure that housing is allocated to those genuinely in need. Where councils are seeking specific outcomes, such as facilitating housing for key workers, councils can specify these in the arrangements governing the transfer of management or assets.

CHPs as experienced housing managers can ensure that housing is delivered and maintained in a cost effective manner, bringing the benefits of the scale of their housing portfolios and their expertise in housing. Likewise, CHPs have well-developed housing management frameworks focussed on delivering quality services and support to residents. CHPs have a strong track record in delivering high levels of tenant satisfaction and having good relationships in the communities in which they operate.

In furtherance of this, the performance standards of the National Regulatory System require CHPs to meet client and efficiency focussed outcomes, including for example in relation to arrears, reletting of vacant dwellings, responsiveness to maintenance and complaints, tenant engagement, risk management and probity.

³ CHIA brochure LocalCouncils 121022 D3-1.pdf (communityhousing.org.au)

Registration of CHPs

The National Regulatory Code for the National Regulatory System sets out the performance requirements that registered housing providers must comply with in providing community housing under the National Law.

The National Regulatory System requires a registered CHP to maintain compliance with a framework of performance metrics to establish that it:

- is fair, transparent and responsive in delivering housing assistance to tenants, residents and other clients;
- manages its community housing assets in a manner that ensures suitable properties are available at present and in the future
- works in partnership with relevant organisations to promote community housing and to contribute to socially inclusive communities
- is well-governed to support the aims and intended outcomes of its business
- maintains high standards of probity relating to the business of the provider
- manages its resources to achieve the intended outcomes of its business in a cost effective manner
- is financially viable at all times.⁴

There are three tiers of registration based on the level of risk associated with the CHPs scale and scope of community housing activities. The tier of registration determines the performance requirements and the intensity of regulatory engagement applicable to each provider, as follows:

Tier 1: The highest level of performance requirements and regulatory engagement reflecting that these providers are involved in activities that necessitate management of a higher level of risk.

Tier 2: An intermediate level of performance requirements and regulatory engagement reflecting that these providers are involved in activities that necessitate management of a level of risk lower than Tier 1 but greater than Tier 3.

Tier 3: A lower level of performance requirements and engagement reflecting that these providers are involved in activities that necessitate management of a lower level of risk.

When selecting a principal CHP partner for a program of affordable housing under an AHCS, Council may seek to identify a suitable Tier 1 or 2 provider. However, there may be times where council is looking for a specialist provider, for example for housing targeted to families fleeing domestic violence, where a Tier 1 provider may be a more suitable choice.

⁴ National Regulatory Code (nrsch.gov.au)

Transferring Management or Housing Assets

Councils implementing AHCSs typically have partnerships with CHPs. This may involve contracting a CHP to manage affordable housing properties or the transfer of monetary contributions or ownership of dwellings to CHPs.

Under a management agreement, council may divest management of the housing generated under an AHCS to a CHP either on the basis that the CHP receives an agency fee, while council receives rental income and meets certain maintenance expenses, or the CHP headleases the properties, delivers management and maintenance services retaining any surpluses to reinvest in affordable housing.

Of these, the latter option of permitting the CHP to collect income and retain any surplus after expenses would improve housing outcomes by enabling the CHP to operate the AHCS housing as part of its regular portfolio, improving operating efficiencies and so generating greater surpluses for reinvestment in affordable housing in agreed areas.

More beneficial still in terms of optimising housing outcomes, is to transfer the assets (monetary contributions, dwellings or land) to a CHP. This would allow the CHP to leverage these assets and combine them with other sources of funds to deliver enhanced housing outcomes. As well as capacity to raise very cost-effective debt finance through the National Housing Finance and Investment Corporation (NHFIC)⁵, CHPs have access to beneficial tax treatment. Many larger CHPs are active housing developers.

Research commissioned by the Community Housing Industry Association (CHIA) NSW found "that CHPs may deliver 21%-27% additional housing dwellings over the long term where ownership is transferred to them, instead of Local Councils holding ownership and retaining the assets and liabilities".⁶ The modelling also shows that CHPs can "deliver affordable housing at a lower cost, potentially saving councils as much as \$60,000 per dwelling."⁷

Identifying a Community Housing Partner

The <u>National Regulatory System *Provider Register⁸* contains details on all nationally registered CHPs and is searchable by State, location, category of registration and other fields.</u>

The Community Housing Providers Prequalification Scheme is an online tool that gathers information about registered CHPs so that any private or government organisation wanting to procure affordable housing development and/or management services can easily locate suitable CHPs.

⁷ CHIA brochure LocalCouncils 121022 D3-1.pdf (communityhousing.org.au)

⁵ Since November 2022, Councils have been eligible for NHFIC finance for housing construction under the National Housing Infrastructure Facility (NHIF). However, it is expected that councils will be less likely to take up the opportunity of NHFIC finance than a CHP and potentially less well-positioned to manage a housing development project.

⁶ Community Housing Industry Association NSW "Local Council Partnerships for the Provision of Affordable housing: Summary Report" November 2022.

⁸ https://my-nrsch.secure.force.com/providersearch/

The scheme was created by Landcom and the Department of Finance and Services, working closely with CHPs, in response to the growing demand for affordable rental housing in NSW⁹. The scheme is located on the NSW Government's e-Tendering and ProcurePoint websites. CHPs use the scheme to provide information about their projects, services and expertise in a central location.

Local councils and developers are able to filter the geographic location, scale, and type of development to find a list of affordable housing rental providers with the experience and capability to deliver it in their area. Councils, developers, landowners and others wishing to find a CHP should go to ProcurePoint: www.procurepoint.nsw.gov.au.

Performance requirements and social outcomes reporting by CHP partners

Whether maintaining or transferring title to affordable housing dwellings, as part of the process for allocating affordable housing resources to CHPs, councils can set requirements to govern the selection of suitable CHP partners, to ensure that partners deliver to and report on these requirements. Willoughby City Council provides some useful examples of this.

Example

Willoughby City Council – Tender criteria and reporting requirements

Selection Criteria

In its latest tender for an affordable housing manager, Willoughby City Council included the following KPI Scorecard for use in its assessment.

| КРІ | Metric | Score (out of 5) | Comment |
|--|---------------------------------|------------------|---------|
| Registration as Community Housing Provider is maintained | Evidence Provided | | |
| Occupancy rates are maintained | >95% | | |
| Property Inspections conducted | 2 per annum per dwelling | | |
| Tenant eligibility check – income and employment | At initial lease then annually. | | |

⁹ https://www.landcom.com.au/assets/Uploads/93460ee1fc/affordable-housing-prequal-scheme-fact-sheet-v2.pdf

| КРІ | Metric | Score (out of 5) | Comment |
|---|--|------------------|---------|
| Tenancies represent a mix of very low to moderate income household income levels | A minimum of 30% of tenancies are let to moderate income households | | |
| Asset condition report (depending on scope, potentially at an additional cost) | 1 per annum per dwelling | | |
| Properties are maintained to the standard required, allowing for reasonable wear, but minimising 'lease ready' costs. | | | |
| Arrears reported monthly and managed proactively | % of tenants paid in full by their due date \$ value of arrears | | |
| Income and outgoings report by dwelling in csv. file format | Monthly | | |
| Community Development Activity Report | Annual | | |

| Annual Scoring Scale |
|----------------------|
| 1 Unacceptable |
| 2 Marginal |
| 3 Satisfactory |
| 4 Good |
| 5 Superior |



Social outcomes reporting

Willoughby City Council has also developed an approach which requires its CHP partner to report on social outcomes under the agency arrangement for management of its affordable housing portfolio.

Council requires evidence of:

- Initiatives to enable residents to thrive in connected and inclusive communities.¹⁰
- Initiatives to support tenants to improve their circumstances and transition to market housing. This may include connection with education and training or gaining access to support services.
- Provide a range of programs aimed at improving outcomes for social and affordable housing tenants. These include tutoring for children, life skills training for vulnerable young people, and social opportunities to connect children with their peers.
- Tenant satisfaction surveys.

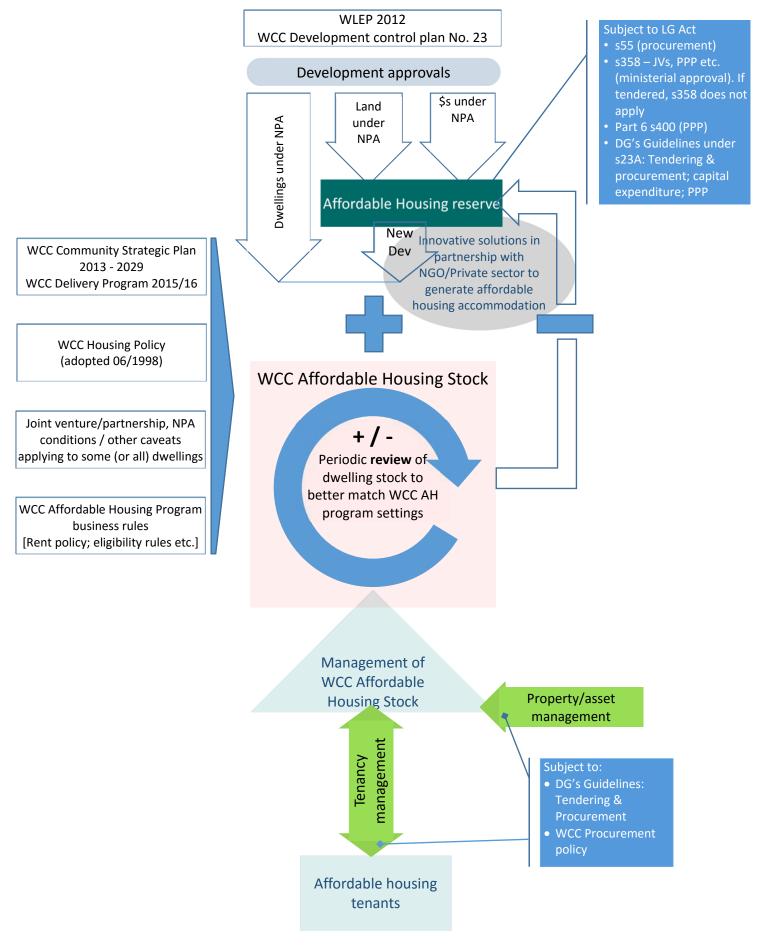
¹⁰ Willoughby Council also operates a program to connect affordable housing tenants with other residents with strata schemes to increase community connection and resilience.

2. AHCS Implementation Framework Overview – Willoughby City Council



AFFORDABLE HOUSING





3. Contribution Calculator - City of Sydney

The City of Sydney has developed an affordable housing contribution calculator for staff across planning teams who have responsibility for determining the affordable housing contribution, and for updating monetary contribution rates. This is in the form of an excel spreadsheet and comprises:

Affordable Housing Contribution Calculator – City of Sydney

This worksheet is for the use of the DA planner. It will tell them the contribution amount, and the indexation period, that should be inserted in the consent.

Instruction:

- 1. Enter the date of consent XX/XX/XX
- 2. Enter the non-residential TFA (see LEP for definition of TFA generally a larger number than GFA)
- 3. Enter the residential TFA (see LEP for definiton of TFA generally a larger number than GFA)
- 4. Select 'AH contribution area' ie the area in which the site is subject to
- 5. Fill out the applicable standard condition accordingly

Development details

| Date of Consent: | 1/03/2022 |
|-----------------------|----------------------|
| Non-residential TFA: | 1000.00 |
| Residential TFA: | 3000.00 |
| AH contribution area: | Select from dropdown |

SPUD to update

| | Non- | Resi | |
|----------------------|-----------|------|---------------------------|
| Select from dropdown | resi rate | rate | Note |
| Central Sydney | 0.5% | 1.5% | Applies until 1 July 2022 |
| Green Square | 1.0% | 3.0% | Applies in perpetuity |
| Employment Lands | 1.0% | 3.0% | Applies in perpetuity |
| Residual | 0.5% | 1.5% | Applies until 1 July 2022 |



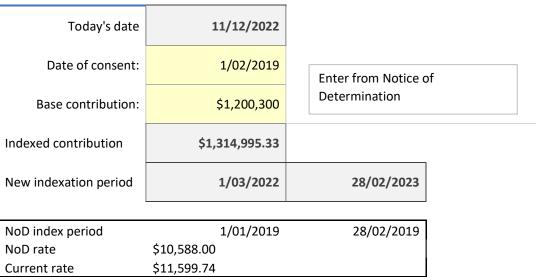
Calculation

| Calculation rate | \$ 11,599.74 | |
|---------------------------|--------------|------------|
| Non-residential component | #N/A | #N/A |
| Residential component | #N/A | #N/A |
| Total base contribution | #N/A | |
| Indexation period | 1/03/2022 | 28/02/2023 |

Contribution Indexer

Contribution

indexer





Annual Indexation

This worksheet is for the use of the Strategic Planning and Urban Design Team

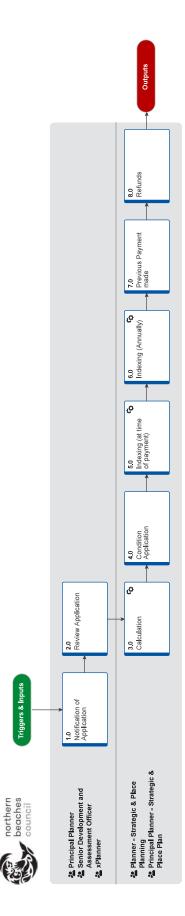
| Rate Appl Period | lication | FACS R&S report period | MDP | Contribution rate | |
|---------------------|---------------|---------------------------|------------------|-------------------|------------------------------------|
| 1-Jan- 19 | 28-Feb- 19 | September 2018 | \$900,000 | \$10,588.00 | |
| | 19 | 2010 | φ300,000 | \$10,000.00 | |
| | | N/A | N/A | N/A | Annual indexation: |
| 1-Mar- | 28-Feb- | September | | | 1 March each year. |
| 20 | 21 | 2019 | \$964,000 | \$11,340.92 | |
| 1-Mar- | 28-Feb- | September | ¢000.000 | ¢10,599,00 | New rate = (Current contributi |
| 21 | 22 20 Eab | 2020 | \$900,000 | \$10,588.00 | time of previous calculation) |
| 1-Mar- 22 | 28-Feb- 23 | September 2021 | \$986,000 | \$11,599.74 | |
| 1-Mar- | 29-Feb- | 2021 | \$300,000 | ψ11,000.74 | MDP is the median dwelling pr |
| 23 | 24 | | | \$0.00 | Rent and Sales Report. |
| 1-Mar- | 28-Feb- | | | | Use the most recent report av |
| 24 | 25 | | | #DIV/0! | Typically this will be either Jun |
| 1-Mar- 25 | 28-Feb- 26 | | | #DIV/0! | Typically this will be either Juli |
| 1-Mar- | 28-Feb- | | | | Dashboard is here: |
| 26 | 27 | | | #DIV/0! | https://public.tableau.com/pr |
| 1-Mar- | 29-Feb- | | | | dsales_15565127794310/Sale |
| <u>27</u> 1-Mar- | 28 28-Feb- | | | #DIV/0! | |
| 28 | 20-Feb- 29 | | | #DIV/0! | Scroll down to "Quarterly Sale |
| 1-Mar- | 28-Feb- | | | | Area: Sydney, and look at the i |
| 29 | 30 | | | #DIV/0! | dwellings (see screenshot). |
| 1-Mar- 30 | 28-Feb- 31 | | | #DIV/0! | |
| 30 | 31 | | | #DIV/0! | |

| Local Government Area | | Quarter | | Region | |
|-----------------------|----------------------------|---------------|-----------------|----------------------------|-----------|
| Sydney | | Septem | ber 2019 | Total | • |
| itrata/Non-strata | First quartile(\$'000s) | Mean(\$'000s) | Median(\$'000s) | Third quartile(\$'000s) | Sales (#) |
| on-strata | \$1,302 | \$1,646 | \$1,551 | \$1,850 | 166 |
| trata | \$735 | \$1,986 | \$964 | \$1,429 | 918 |
| otal | \$777 | \$1,934 | \$1,089 | \$1,600 | 1,084 |



4. Process mapping – Northern Beaches Council





Calculating Affordable Housing Contribitions [In Progress] v0.29

Summary Objective bution rates To ensure correct calculation of the gross floor area of the residential component of the development and amount of floor area to be provided for affordable housing or total amount of in lieu contribution to be paid. Owner Neil Cocks Toby Philp Expert Procedure 1.0 Notification of Application Principal Planner, Senior Development and Assessment Officer. xPlanner a Referral email sent to Strategic & Place Planning seeking the calculation of the affordable housing monetary contribution amount NOTE what information is provided in the referral to ensure the calculation of the affordable housing monetary contribution? The development assessment officer is to provide the figure for the accountable total floor space of the development (the gross floor of the residential component of the development), and GFA of any dwellings to be dedicated NOTE Where do i find the Affordable Housing Contributions Scheme Affordable Housing Contributions Scheme https://www.northernbeaches.nsw.gov.au/planning-and-development/planning-future 2.0 Review Application Principal Planner, Senior Development and Assessment Officer, xPlanner a Identify/confirm whether the Affordable Housing Contributions Scheme applies to the development NOTE What are the areas to which the Affordable Housing Contributions Scheme Applies? Refer to Section 1.2 of the Affordable Housing Contributions Scheme The Scheme currently applies to the Frenchs Forest Planned Precinct and 1294-1300 Pittwater Road & 2-4 Albert Street, Narrabeen Affordable Housing Contributions Scheme https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/Common/Output/Load b Check the amount of accountable total floor space in the DA is correct. NOTE What is the definition of accountable total floor space? Accountable total floor space means the gross floor area of the residential com-ponent of the development to which the development application relates. This includes changes of use of floor area to a residential use Gross Floor Area is defined by the relevant Local Environmental Plan (i.e. does not include balconies, car spaces, storage and common circulation areas etc) There are to be no 'savings' or 'credit' for floor space that already exists on the site, even if the building is being adapted and reused. c Identify the applicable affordable housing contribution rate. NOTE Refer to section 2.1 of the Affordable Housing Contributions Scheme d Determine the amount of gross floor area to be dedicated NOTE Refer to section 2.2 and 2.3 of the Affordable Housing Contributions Scheme for an example NOTE How do you calculate the amount of floor area to be dedicated as affordable housing? applicable contribution rate percentage multiplied by accountable total floor space (residential GFA) e Check the DA requirements identified in section 2.2 of the Affordable Housing Contributions Scheme have been satisfied. NOTE What are the DA requirements of the Scheme? Where a dedication of affordable dwellings is required, the DA must: •state the amount of affordable housing floor area to be dedicated, and any residual amount for which a monetary contribution is required (note each dedi-cated dwelling is to have a gross floor area of not less than 50sqm, and be incorporated within the proposed development); · clearly identify on the plans the affordable rental dwellings proposed to be

dedicated: demonstrate the appropriateness of the dwellings proposed for dedication, the location, size and quality of the affordable housing dwellings are to be to the satisfaction of Council. If they are not to satisfaction, Council may require changes to the development application, or that the contribution be made by way of an equivalent monetary contribution; and

· demonstrate the accountable total floor space of the development that was used to calculate the contribution.

f Check the amount of GFA identified in the DA to be dedicated is correct

g Where the contribution is provided as a equivalent monetary contribution or where there is a residual amount of GFA following the dedication of any dwellings, the monetary contribution is to be calculated in accordance with Step 3.0 of this Promap

Affordable Housing Contributions Scheme https://www.northernbeaches.nsw.gov.au/planning-and-development/planning-future

3.0 Calculation

Planner - Strategic & Place Planning, Principal Planner - Strategic & Place Plan a Refer to section 2.1 of Affordable Housing Contributions Scheme for monetary contri-

NOTE Are the rates indexed?

Monetary contribution rates are to be indexed on an annual basis, 1 March each year (see section 3.1 of the Affordable housing Contributions Scheme and Section 5.0 of this ProMapp).

- Northern Beaches Affordable Housing Contributions Scheme https://www.northernbeaches.nsw.gov.au/planning-and-development/planning-future
- For more information about the calculation see Section 2.3 of the Afford-NOTE able Housing Contributions Scheme
- b Determine the monetary contribution to be provided using the calculator

NOTE Where is the calculator?

The calculator for applications can be found in TRIM 2022/331701 @TODO provide link

NOTE How do i use the calculator?

For complete monetary contributions

1. Enter the date of consent XX/XX/XX 2. Enter the Total Accountable Floor Area (see Contributions Scheme for definition - which is the gross floor area of the residential component of the development)

Select 'AH contribution area' ie the area in which the site is subject to
 Fill out the applicable standard condition accordingly

For monetary contributions after dedication of dwelling(s):

1. Enter the date of consent XX/XX/XX

2. Enter the Total Accountable Floor Area (see Contributions Scheme for definition - which is the gross floor area of the residential component of the development)

3. Select 'AH contribution area' ie the area in which the site is subject to 4. enter in the GFA to be dedicated as a complete dwelling Fill out the applicable standard condition accordingly

4.0 Condition Application

Planner - Strategic & Place Planning, Principal Planner - Strategic & Place Plan a Include conditions of consent as applicable

5.0 Indexing (at time of payment)

Planner - Strategic & Place Planning, Principal Planner - Strategic & Place Plan a At the period of payment, affordable housing monetary contributions are to be indexed in accordance with section 3.2.2 of the Affordable Housing Contributions Scheme

NOTE What is the formula to adjust the contributions amount?

- The formula for adjusting a contribution amount in a condition of consent is monetory
- Monetary Contribution = Base Contribution Amount x (R2/R1) Where:

 Base Contribution Amount is the required payment amount contained in the Development Consent.

- R1 is the contribution rate that applied at the time of consent.
 R2 is the contribution rate that applies at the time of payment.

b How to index the contribution

NOTE The contributions will be indexed automatically within the Repository

- NOTE How do you index contribution at time of payment if the calculator has to be used?
 - Instruction:
 - 1. Enter the date of consent
 - 2. Enter the base contribution (the contribution amount in the consent) 3. The 'indexed contribution' is the contribution amount payable (so long as it is
 - paid in the 'new indexation period')

The calculator for applications can be found in TRIM 2022/331701

6.0 Indexing (Annually)

Planner - Strategic & Place Planning, Principal Planner - Strategic & Place Plan a Monetary contribution amounts are adjusted on an annual basis, on 1 March each year, with reference to movements in the median strata dwelling price in the Northern Beach-es LGA as detailed in NSW Government Rent and Sales Report, Table: Sales Price – Greater Metropolitan Region - Strata

The Rent and Sales Report is available on the NSW Government, Family and Community Services website.

NOTE How you you index the monetary contribution rate?

The formula for adjustment of the monetary contribution rate is New Contribution Rate = Current Contribution Rate x (MDP2/MDP1) Where

The Current Contribution Rate is available on the Council's website.

· MDP1 is the median strata dwelling price used to establish the current contribution rate

• MDP2 is the median strata dwelling price for the CURRENT period, being established in the most recently published Rent and Sales Report.

b Determine indexed contribution rate using the calculator (found in TRIM 2022/331701) NSW Government Sales Report

https://public.tableau.com/app/profile/facs.statistics/viz/Rentandsales_15565127794

NOTE How do you determine the median strata dwelling price?

1.Access the NSW Government Rent and sales report dashboard https:// public.tableau.com/app/profile/facs.statistics/viz/ Rentandsales_15565127794310/Sales 2. scroll down to the quarterly sales statistics

3. select the "Northern Beaches LGA" and relevant quarter

7.0 Previous Payment made

Planner - Strategic & Place Planning, Principal Planner - Strategic & Place Plan a If an affordable housing contribution has already been paid refer to section 3.2 of the Affordable Housing Contributions Scheme

NOTE If an affordable housing contribution has already been paid in accordance with the Scheme, a contribution is not required on subsequent development on land if: the total floor area is the same, or because of redevelopment of the site, will replace an equivalent area; or • the same percentage of the total floor area has already been provided for use for affordable housing. Where a development is for a larger total floor area than a previous development on the site for which an affordable housing contribution was made, then the consent authority will require a contribution for the difference in total accountable floorspace for which the contribution was previously paid is demolished or re-used as part of the new development.

8.0 Refunds

- Planner Strategic & Place Planning, Principal Planner Strategic & Place Plan a Refunds for demolition or change in use refer to section 3.3 of the Affordable Housing Contributions Scheme
 - NOTE Council will not refund the applicant where there is a subsequent change in use from residential uses to non-residential uses or demolition of floor area. Similarly, where affordable housing dwellings are replaced on site, the dwellings (as replaced) are to remain the property of the Council.

Triggers & Inputs

TRIGGERS

None Noted

INPUTS

None Noted

Outputs & Targets

OUTPUTS

None Noted

PERFORMANCE TARGETS
None Noted

NOTE NOTED

Process Dependencies

PROCESS LINKS FROM THIS PROCESS

None Noted

.....

PROCESS LINKS TO THIS PROCESS

None Noted

RACI

RESPONSIBLE Roles that perform process activities

Planner - Strategic & Place Planning, Principal Planner, Principal Planner - Strategic & Place Plan, Senior Development and Assessment Officer, xPlanner

Systems that perform process activities

None Noted

ACCOUNTABLE

For ensuring that process is effective and improving
Process Neil Cocks
Owner
Process Toby Philp

Process Toby Philp Expert

CONSULTED

Those whose opinions are sought STAKEHOLDERS None Noted STAKEHOLDERS FROM LINKED PROCESSES None Noted

Page 3 of 3

INFORMED

Those notified of changes

All of the above. These parties are informed via dashboard notifications.

Promapp TR**I**M

Improvement

None Noted

5. Standard Housing Transfer Deed – Willoughby City Council



Attachment 30 - Affordable housing transfer deed

Affordable Housing Transfer Deed

Dated

Willoughby City Council ("WCC") #

Pikes & Verekers Lawyers Level 2, 50 King Street Sydney NSW 2000 Ph: (02) 9262 6188 Fax: (02) 9262 6175

DX 521 Sydney

Icon

Affordable Housing Transfer Deed

Details

Interpretation - definitions are at the end of the General terms

| Parties | Willoughby City Council and | | | | |
|---------------|-----------------------------|---|----------------------------------|--|--|
| Council | Name | | Willoughby City Council | | |
| | ABN/C | AN/ARBN | 47 974 826 099 | | |
| | Addre | SS | 31 Victor Street, Chatswood, NSW | | |
| | Teleph | one | (02) 9777 7646 | | |
| | Fax | | (02) 9777 1038 | | |
| | Attenti | on | | | |
| Applicant | Name | lame | | | |
| | ABN | 3N | | | |
| | Addres | Address | | | |
| | Teleph | elephone | | | |
| | Fax | ix | | | |
| | Attenti | Attention | | | |
| Recitals | | # owns the Property and intends to develop it pursuant to the Consent. | | | |
| | | Conditions # of the Consent require that certain parts of the Development be used for the purpose of Affordable Housing. | | | |
| | | # has agreed to transfer to the Council the Dwellings # as Affordable Housing. | | | |
| Governing Law | | New South Wales | | | |
| Date of Deed | | See <u>Signing</u> | page | | |

Housing Transfer Deed

Details

1 OBLIGATIONS

1.1

In consideration of the Council paying the Transfer Fee to # and otherwise complying with its obligations in this Deed, # agrees:

(a) to transfer the Dwellings to the Council in accordance with Clause 2;

con

(b) that it must not lodge an application for amendment of the Consent which would substantially amend or have the result of substantially amending, if approved, the Dwellings' access, size or position within the Development or otherwise without the prior written consent of the Council (which may be withheld in its sole discretion) and # must withdraw immediately any application lodged in breach of this Clause 1.1(b) upon request by the Council;

1.2 Council

In consideration of # complying with all of its obligations in this deed, the Council agrees to:

- (a) accept the transfer of the Dwellings in accordance with Clause 3;
- (b) pay the Transfer Fee to #; and
- (c) pay GST in accordance with Clause 3.5(c).

1.3 Transfer Fee

acknowledges receipt of the Transfer Fee and agrees that the Council has paid the Transfer Fee to # in consideration of # entering this Deed and complying with all of its obligations.

2 CAVEAT

2.1 Caveatable Interest

acknowledges this Deed creates a caveatable interest in the Property in favour of the Council.

2.2 Lodging Caveat

The Council may lodge and maintain a caveat against the title to the Property from the dates of this Deed. # agrees to sign all documents necessary to permit the registration of a caveat by the Council on the title to the Property and that # will not take any steps to remove the caveat without the consent of the Council.

2.3 Release of Caveat

- (a) If the Council lodge a caveat against the title to the Property pursuant to the provisions of this clause the Council must, if requested to do so by#, consent to the registration of any dealing to be lodged by or with the consent of # provided that dealing does not prejudice the interests of the Council under this Deed.
- (b) The Council must withdraw its caveat at the time of registration of the Transfer pursuant to this Deed.

3 TRANSFER

3.1 # Warranty

warrants that it holds legal title to the Property and, once constructed, to the Dwellings, and is capable of transferring the legal title to the Dwellings free of any mortgage, charge, liability for rates or taxes, lien or any other interest excluding any easements for services.

3.2 Transfer

agrees that it must transfer to the Council the legal title free of any mortgage, charge, lien or other interest (excluding any easement for service) to Dwellings within:

(a) two (2) months of the registration of any plan creating separate titles to the Dwellings and/or within six (6) months of the issue of an Occupation Certificate for the Dwellings whichever is the earlier.

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The Council agrees to accept the transfer of the Dwellings and execute any document reasonably necessary to facilitate that transfer within 14 days of receipt.

3.3 Dwellings Standard

agrees that the Dwellings must be transferred to the Council ready for immediate use including:

- (a) connected to all services (including sewer, stormwater, potable water, electricity, telephone and gas) to the satisfaction of the Council to the surrounding residential units in the Development to the satisfaction of the Council;
- (b) finished with all internal finishes, fittings and services to the same standard as other units in the development to the satisfaction of the Council.

3.4 Transfer Costs

Subject to Clause 3.5, # agrees to pay all costs involved in the Transfer including costs for preparation of the Transfer Documents and all fees required to lodge the Transfer Documents with Land and Property Information and any other relevant authority.

3.5 Council Costs

The Council agrees to pay:

- (a) all stamp duty payable or assessed on the Transfer;
- (b) all stamp duty payable or assessed on this Deed; and
- (c) all GST payable or assessed on the Transfer upon production of a valid tax invoice from # to the Council and in accordance with Clause 4.

3.6 # Costs

agrees to pay all reasonable legal costs of the Council (including GST) in the preparation and settlement of the terms of this Deed within 14 days of receipt of a tax invoice from the Council for these costs.

3.7 Occupation Certificate Costs

agrees to pay all costs and fees associated in obtaining an occupation certificate for the Dwellings.

3.8 Unit Entitlements

agrees and acknowledges that the unit entitlements of the Dwelling's under any strata plan registered pursuant to Clause 3.2 must be treated no less favourably in terms of rights, duties and obligations (including levies, fees and voting rights) than any other unit in that strata plan by reason of that Dwelling's use as Affordable Housing.

4 GST

4.1 Supply

If a supply made by one party (the "**Supplier**") to the other (the "**Recipient**") under this Deed is subject to GST, the Recipient agrees to pay to the Supplier an additional amount equal to the amount of the consideration for the supply multiplied by the prevailing GST rate.

4.2 Time and Payment

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The additional amount is payable at the same time and in the same manner as the consideration of the supply to which the additional amount relates.

4.3 Supplier's Obligations

The Supplier must:

- (a) give the Recipient documentation in the nature of a tax invoice prior to receiving an amount payable under this clause;
- (b) comply with any relevant provision of the Competition and Consumer Act 2010 (Cwth); and
- (c) refund any overpayment made by the Recipient under Clause 4 within 14 days after the actual amount of overpayment is ascertained.

"Amount of Consideration" means:

- (a) the amount of any payment for a supply; and
- (b) in relation to non-monetary consideration, the GST exclusive market value of that consideration.

5 ASSIGNMENT AND DEALINGS

5.1 Assignment

Before the Transfer of the Dwellings, # must not assign this Deed or transfer the Property to any person without the prior written consent of the Council.

5.2 Transfer

Before transferring its interest in the entire Property to any person (the "**transferee**"), # must procure that any transferee enters into a Deed in favour of the Council or such other person as the Council nominates to #, in the same terms as this Deed maintaining all of the rights of the Council under this Deed.

5.3 Counterpart

must deliver to the Council a counterpart of the new Deed referred to in Clause 5.2 on or before completion of the transfer in Clause 5.2.

5.4 Council Assignment

acknowledges and agrees that the Council may assign, transfer or sub-licence its rights under this Deed without obtaining the consent of #.

6 GENERAL

6.1 Partial Exercising of Rights

If a party does not exercise a right or remedy fully or at a given time, the party may still exercise it later.

6.2 No Liability for Loss

A party is not liable for any loss caused by the exercise or attempted exercise of, failure to exercise, or delay in exercising the right or remedy.

6.3 Variation and Waiver

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A provision of this Deed or a right created under it; may not be waived or varied except in writing, signed by the party or parties to be bound.

6.4 Further Steps

Each party agrees to do anything the other party asks (such as obtaining consents, signing and providing documents and getting documents completed and signed);

- (a) to bind the party and its successors under this Deed;
- (b) to give effect to the intentions of the parties and the objectives of this Deed the transactions contemplated by it including negotiating in good faith with respect to any matters requested by any of the parties to this Deed, and by the execution and delivery of documents and other instruments; and
- (c) to use its best endeavours to cause relevant third parties to do likewise to bind every party intended to be bound under this Deed.

6.5 Construction

No rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this Deed or any part of it.

6.6 Supervening Legislation

Any present or future legislation which operates to vary the obligations of a party in connection with this Deed with the result that another party's rights, powers or remedies are adversely affected (including, by way of delay or postponement) is excluded except to the extent that its exclusion is prohibited or rendered ineffective by law.

7 SERVICE OF NOTICES

7.1 Address

Where any notice or other communication is to be given in writing pursuant to this Deed, service shall be by hand, facsimile or prepaid post as follows:

- (a) if given by #, signed by # and addressed to the Council at the address set out in the Deed or as otherwise notified in writing by the Council; or
- (b) if given by the Council, signed by the Council and addressed to # at the address set out in the Deed or as otherwise notified in writing by #.

7.2 Service

A notice is given on the date that it is delivered to the addressee or it is received by the addressee's facsimile.

8 INTERPRETATION

8.1 Definitions

In this Deed, except where the context otherwise requires:

Affordable Housing has the meaning given to it by the Willoughby Local Environmental Plan 2012.

Approved Plans means the plans approved by the Council in the conditions to the Consent.

Consent means

17/01/2019

Council means Willoughby City Council.

Development means development permitted by the Consent.

Dwellings means

GST means the tax imposed by the A New Tax System (Goods and Services Tax) Act 1999 (Cth) and the related imposition of Acts of the Commonwealth and supply, consideration and tax invoice have the same meaning under those Acts.

Property means

Transfer means the transfer of the legal title of the Dwellings free of any mortgage, charge, lien or other interest (but excluding any easement for service) from # to the Council in accordance with Clause 2.1.

Transfer Fee means the sum of A\$1.00 per dwelling.

Transfer Documents means the documents necessary to effect the Transfer.

8.2 References to Certain General Terms

Unless the contrary intention appears, a reference to this Deed to:

- (a) (variations or replacement) a document (including this Deed) includes any variation or replacement of it;
- (b) (clauses, annexures and schedules) a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this Deed;
- (c) (reference to statutes) a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (law) law mean common law, principles of equity, and laws made by parliament (and laws made by parliament include State, Territory and Commonwealth laws and regulations and other instruments under them, and consolidations, amendments, re-enactments or replacements of any of them);
- (e) (singular includes plural) the singular includes the plural and vice versa;
- (f) (**person**) the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association, or any Government Agency;
- (g) (executors, administrators, successors) a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns;
- (h) (two or more persons) an agreement, representation or warranty in favour of two or more persons is for the benefit of them jointly and each of them individually;
- (i) (jointly and severally) an agreement, representation or warranty by two or more persons bind them jointly and each of them individually;
- (j) (reference to a group of persons) a group of persons or things is a reference to any two or more of them jointly and to each of them individually;
- (k) (calculation of time) if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (I) (reference to a day) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later; and
- (m) (meaning not limited) the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.

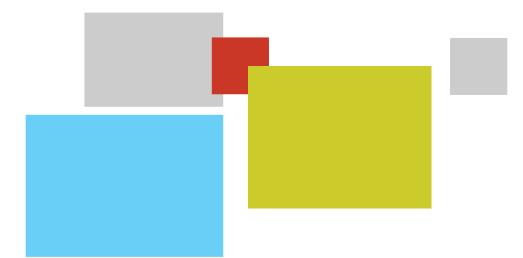
8.3 Headings

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Headings (including those in brackets at the beginning of paragraphs) are for convenience and do not affect the interpretation of this Deed.

| Housing Transfer Deed | |
|--|--------------------------------|
| Signing page | |
| DATED: [] | |
| THE COMMON SEAL of [COMPANY] (ACN [no.]) was hereunto affixed by authority of the Board of Directors in the presence of: Director / Secretary |)) Director)) |
| THE COMMON SEAL of WILLOUGHBY CITY COUNCIL is duly affixed by authority of its directors in the presence of: |))) |
| Signature of authorised person | Signature of authorised person |
| Office held | Office held |
| Name of authorised person | Name of authorised person |



Urbanista

