

Economic Development (Affordable Housing) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 208

made under the

Economic Development Act 2012

General Outline

Short title

Economic Development (Affordable Housing) Amendment Regulation 2024

Authorising law

Section 7B and section 176 of the *Economic Development Act 2012*

Policy objectives and the reasons for them

Economic Development (Affordable Housing) Amendment Regulation 2024 (Amendment Regulation) amends the *Economic Development Regulation 2023* (ED Regulation) to prescribe criteria for housing that is affordable to particular types of households for section 7B of the *Economic Development Act 2012* (ED Act).

Achievement of policy objectives

To achieve the policy objective, the Amendment Regulation will insert a new section 2B in the ED Regulation that prescribes, for section 7B of the ED Act, the criteria to be satisfied for housing to be affordable for the following types of households:

- i. very low income households;
- ii. low to moderate income households;
- iii. key worker households; and
- iv. first home buyer households.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the ED Act. The ED Act provides the Minister for Economic Development Queensland (MEDQ) with powers to provide for affordable housing. The provisions in the ED Act relating to affordable housing include:

- i. Section 3 provides that the main purpose of the ED Act includes facilitating the provision of diverse housing, including affordable housing, in the State.
- ii. Section 7B defines affordable housing in the following terms:
Affordable housing is housing that is affordable to particular types of households under criteria prescribed by regulation for the particular type of household.
- iii. Section 57(3)(aa) provides that the content of a development scheme for a priority development area (PDA) may provide for requirements for:
 - a. the supply of affordable housing; or
 - b. the payment of an amount in lieu of the supply of affordable housing.
- iv. Section 88(1)(f) provides that conditions may be imposed on a PDA development approval relating to:
 - a. the supply of affordable housing on the relevant land for the PDA development approval; or
 - b. the payment of an amount in lieu of the supply of affordable housing;
- v. Section 88A provides that, if a condition is imposed on a PDA development approval that requires the payment of an amount in lieu of affordable housing on the relevant land for the PDA development approval, the amount may be used by MEDQ for the provision of affordable housing in the local government area in which the relevant land for the PDA development approval is situated; and
- vi. Part 7A of the ED Act provides for housing agreements about the provision of affordable housing in PDAs.

The Amendment Regulation supports these provisions by, for section 7B, prescribing criteria for housing that is affordable to particular households as per section 2B of the Amendment Regulation.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Amendment Regulation is in prescribing criteria for housing that is affordable to particular households as per section 2B of the Amendment Regulation. The Amendment Regulation is required to support the MEDQ's functions and powers to provide for affordable housing under the ED Act. The Amendment Regulation does not itself require the provision of affordable housing, and as such does not impose implementation costs.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

There has been no consultation on the draft regulation. Consultation was undertaken on the policy intent and proposed criteria that has informed the preparation of the regulation. Consultation indicated in principal support to the criteria. A significant focus of the submissions concerned the approach to setting requirements for affordable housing in PDA development schemes under section 57 of the ED Act and how these requirements would be conditioned through section 88 of the ED Act.

Reasons for non-inclusion of information

The ED Act section 7B necessitates the preparation of this Amendment Regulation, this explanatory note therefore does not include information on alternative ways to achieve the policy objective.