

Select Committee on Social, Public and Affordable Housing Narrabri Shire Council Responses

1. In relation to councils working with community housing providers

a) Are there any legal constraints in relation to local government providing land for the development of housing on land owned by council either community or operational land?

Operational land has no special restrictions other than those that may apply to the individual parcel of land i.e. easements etc. so broadly speaking there are no legal constraints to this land classification.

Community land by comparison is land that reflects the importance of the underlying property to the community and therefore has constraints imposed by the State Government on its use.

Community land is intended for public access and use, or where other restrictions apply to the land creates some obligation to maintain public access (such as a trust deed or dedication under Section 94 of the Environmental Planning & Assessment Act 1979). This gives rise to restrictions in the Act intended to preserve the qualities of the land.

Community Land:

- Cannot be sold
- Cannot be leased, licenced or any other estate granted over the land for more than 21years, and
- Must have a Plan of Management prepared

b) if there were incentives for council to provide land for the development of social or affordable housing what would be attractive to local government to do so or what would be the disincentive?

If Council owned operational land in an area, an incentive could be the sale of that land to NSW Department of Housing at market value giving an injection of funds to the local government area. Secondly, that land would then be rateable providing an ongoing revenue stream and would lessen maintenance on the block to the local government area. It would also take an initially vacant block and maximise its functioning potential by ultimately servicing a community member.

A disincentive could be the removal of potential community land which could lessen the amenity of a local government area. There could be a blurring or transfer of roles and responsibilities from both the Commonwealth and State Governments to local government from both an administrative and financial aspect.

2. Would the council support a contribution from all S94 contributions toward addressing social and affordable housing and homelessness?

A Section 94 contribution is a monetary contribution levied on developers at the development application stage. Funds levied through this process are utilised to construct additional public amenities, facilities and services and can include areas such as libraries, parks, pools, car parking, walk ways etc. As such these contributions are not for the provision or funding of social or affordable housing. Contributions to social or affordable housing are not in keeping with the underlying aim of S94 plan. Council would not support the funding of social or affordable housing from a further increase in S94 contributions.