

SOUTH AUSTRALIAN HOUSING TRUST REGULATIONS 2025

REGULATION 4

*Determination of Criteria for the Purposes of Affordable Housing***1. Application**

This Notice applies to:

- (1) assessment of applications for development approval under the PDI Act; and
- (2) policies under the Planning and Design Code pursuant to the PDI Act.

2. Determination of Criteria

- (1) Land or a dwelling that is the subject of an application or policy to which this Notice applies will fall within the concept of affordable housing for the purposes of Regulation 4 of the Regulations if the developer/owner of the land or dwelling has a Legally Enforceable Obligation in place to ensure:
 - (a) that the land or dwelling is offered for sale to an Eligible Home Buyer at or below the Price (subject to any increase to the Price approved under paragraph 2(2)) and that the offer is listed on the HomeSeeker SA website; or
 - (b) that the land or dwelling will be sold to an Eligible Rental Provider for the purpose of that Eligible Rental Provider making the land or dwelling available for affordable lease or rent0; or
 - (c) where the relevant developer/owner is an Eligible Rental Provider, that the land or dwelling will be provided for affordable lease or rent by that Eligible Rental Provider,or the Minister otherwise determines, in the Minister's absolute discretion, that the land or dwelling constitutes affordable housing for the purposes of Regulation 4 of the Regulations.
- (2) Where the land or dwelling:
 - (a) has features which make it more energy efficient and environmentally sustainable; or
 - (b) is on a small allotment within close proximity to public transport; or
 - (c) is offered for sale in conjunction with a financing product that increases an Eligible Home Buyer's purchasing capacity as outlined in the industry guidelines published from time to time by the Department for Housing and Urban Development,(each, a "**designated feature**"), the developer/owner may seek approval from the Chief Executive of the Department for Housing and Urban Development, or their delegate, to increase the Price by up to 10% with respect to that land or dwelling, and up to 15% where two or more designated features have been satisfied in relation to the land or dwelling.

3. Definitions

For the purposes of this Notice:

- (1) "**Eligible Home Buyer**" means a person:
 - (a) who satisfies the eligibility criteria to buy a home through HomeSeeker SA (which eligibility criteria are set out on the HomeSeeker SA website accessible at <https://homeseeker.sa.gov.au/> and as updated from time to time); or
 - (b) who is otherwise assessed as being eligible by the Chief Executive of the Department for Housing and Urban Development, or their delegate.
- (2) "**Eligible Rental Provider**" means:
 - (a) the South Australian Housing Trust; or
 - (b) a community housing provider (however described) that is registered under a law of, or under a scheme administered by, a State or Territory of the Commonwealth of Australia, including the *Community Housing Providers National Law* set out in Schedule 1 of the *Community Housing Providers (National Law) (South Australia) Act 2013* (SA); or
 - (c) a person (natural or corporate) approved to provide affordable rental under the 'National Rental Affordability Scheme'; or
 - (d) a person (natural or corporate) subject to an affordable housing facilitation agreement with a Minister, or an instrumentality of the Crown in right of the State of South Australia; or
 - (e) any class of persons, declared from time to time by the Minister.
- (3) "**HomeSeeker SA**" means the state government initiative by that name which is administered by the Department for Housing and Urban Development for the purpose of helping more South Australians buy or rent an affordable property, and which is described on the HomeSeeker SA website accessible at <https://homeseeker.sa.gov.au/>.
- (4) "**Legally Enforceable Obligation**" includes:
 - (a) a legally binding agreement entered into between the developer/owner and a Minister, instrumentality of the Crown in right of the State of South Australia or Council (constituted under the *Local Government Act 1999* (SA)), and in the case of a Land Management Agreement (as defined in the PDI Act) registered against the relevant instrument of title;
 - (b) a condition imposed, on the direction of the Minister in accordance with Schedule 9 of the PDI Regulations, on a development authorisation granted under the PDI Act by a relevant authority (as defined in the PDI Act); and
 - (c) any other form of legally enforceable obligation approved by the Minister.
- (5) "**Minister**" means the Minister responsible for administering the *South Australian Housing Trust Act 1995* (SA).
- (6) "**PDI Act**" means the *Planning, Development and Infrastructure Act 2016* (SA).
- (7) "**PDI Regulations**" means the *Planning, Development and Infrastructure (General) Regulations 2017* (SA).
- (8) "**Price**" means the affordable sale price published on the HomeSeeker SA website accessible at <https://homeseeker.sa.gov.au/> and as updated from time to time.
- (9) "**Regulations**" means the *South Australian Housing Trust Regulations 2025* under the *South Australian Housing Trust Act 1995* (SA).

Dated: 17 September 2025

HON NICK CHAMPION MP
Minister for Housing and Urban Development
Minister for Housing Infrastructure
Minister for Planning