

Inclusionary zoning: Considerations in the current affordable housing debate

Cities Institute Agenda Setting

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Background

Social and affordable housing provides numerous benefits to the community, including enabling key workers to live near their place of work, increasing local workforce diversity, and creating homes that are more conducive of improving general health outcomes

The government has a responsibility to deliver social and affordable housing, foster sustainable urban development and work with housing providers to build and manage new housing stock. Government incentives, subsidies and other interventions are required for social and affordable housing development to keep pace with demand due to lack of private sector delivery. Inclusionary zoning is a government-driven tool which can be applied to planning legislation to create additional development capacity and increase provision of social and affordable housing.

Purpose

This desktop scan explores the existing research and case studies relating to inclusionary zoning - to understand the impact on the provision of affordable and social housing under a mandatory inclusionary zoning model.

We also seek to understand different manifestations of inclusionary zoning and research being undertaken in this field through examining national and international case studies, to inform application in an Australian context.

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Acknowledgement of Country

We acknowledge the Bidjigal, the Traditional Custodians of the land on which the Cities Institute is located, and pay our respects to Elders, past and present.



Inclusionary Zoning discussion paper

Overview

As house prices and household incomes continue to grow disproportionately, the need to house key workers in locations where they are needed continues to grow. Inclusionary zoning is one of several government-driven mechanisms through which social and affordable housing, for key workers or otherwise, can be delivered at a faster rate than solely through the market.

The availability of affordable housing has significant benefits for communities. Benefits include reducing the number of people in housing stress, providing suitable homes to live in, building new homes, and creating jobs and opportunities for the community.¹ Inclusionary zoning schemes provide the opportunity to improve the availability of well-located affordable and social dwellings for key workers, which are currently not provided for adequately.

There are generally two types of inclusionary zoning: mandatory and voluntary incentive models.² Under the mandatory model, a number or percentage of social and affordable housing is included as a condition of planning approval. Voluntary inclusionary zoning is incentive driven, where incentives are provided to developers in exchange for affordable housing development, or a contribution to social and affordable housing. Incentives could include an increase in developable area or financial incentives.



Figure 1. Illustration of inclusionary zoning³

- 1 Azize, M. (2023, January 15) More social and affordable housing is the only solution to Australia's rental crisis, *The Guardian*, available at <https://www.theguardian.com/commentisfree/2023/jan/15/more-social-and-affordable-housing-is-the-only-solution-to-australias-rental-crisis>.
- 2 AHURI. (2023) What is Inclusionary zoning, and how does it help deliver affordable housing, available at <https://www.ahuri.edu.au/analysis/brief/what-inclusionary-zoning-and-how-does-it-help-deliver-affordable-housing>.
- 3 Onah Jung, (2022) What is Inclusionary Zoning? available at <https://onahjung.com/2022/09/01/what-is-inclusionary-zoningiz/>

Example Affordable Housing Schemes

The current NSW Government affordable housing model is underpinned by a voluntary scheme. The scheme provides a developer with a 30% increase in height or floor space ratio in exchange for 15% of the total gross floor area being dedicated to affordable housing for 15 years.⁴ An alternative mandatory model for social and affordable housing provision could manifest as 15% of gross floor area being mandated for social and affordable housing, either temporarily or in perpetuity.

These schemes have been applied in theory to a real development application in order to explore potential outcomes. A development application for a 10-storey development at 1-5 Stanley Street and 1-11 Princes Highway Kogarah, in Georges River Council (DA2023/0222),⁵ has been used as a case study for this analysis. The outcomes are provided in Table 1 below:

	30% FSR increase for 15% affordable housing GFA	15% mandatory affordable housing GFA
Site area	2,398m ²	2,398m ²
Initial Floor Space Ratio (FSR)	3.9:1	3.9:1
FSR under scheme	5.07:1	3.9:1
Initial Gross Floor Area (GFA)	9,372m ²	9,372m ²
GFA under scheme	12,183.60m ²	9,372m ²
GFA allocated for affordable housing under scheme	1,827.54m ²	1,405.80m ²
GFA available in the market	10,356.06	7,966.20

Table 1. Affordable housing bonus schemes

As shown in Table 1 the current voluntary scheme has the potential to provide improved outcomes for both the developer and the affordable housing provider. Increasing both GFA available to sell to the market and GFA to be managed as affordable housing. However as it remains voluntary it still relies on developer willingness and financial viability to ensure it is implemented.

The role of affordable housing supporting broader community and productivity

Housing has an indirect impact on productivity through access to workers, business investment and innovation.⁶ The lack of affordable housing is predicted to cost taxpayers \$25 billion a year by 2051 through additional spending on health and mental health services, domestic violence services, lost education opportunities, increased antisocial behaviour and productivity loss for business and workers.⁷

4 Astrolabe Group, St George Community Housing. (2023) Proposed Planning Bonus for Affordable Housing, available at <https://www.sgch.com.au/wp-content/uploads/2023/09/StGeorgeHousing-PolicyPositioningPaper-2023.pdf>, p. 7.

5 Georges River Council. (2023) DA2023/0222, available at <https://etrack.georgesriver.nsw.gov.au/Pages/XC.TrackSearchApplication.aspx?id=271085&a=DA2023/0222>.

6 City Futures Research Centre, UNSW. (2018) Making Better Economic Cases for Housing Policies: Short Summary, available at https://cityfutures.adu.unsw.edu.au/documents/477/Short_Summary_revised.pdf.

7 Gordon, J. (2022, June 23) Lack of affordable housing set to cost Australia \$25b a year, *Sydney Morning Herald*, available at <https://www.smh.com.au/national/lack-of-affordable-housing-set-to-cost-australia-25b-a-year-20220621-p5avf2.html>.

Housing factors that affect productivity

Access to and location of workers	Diversity of workers	Housing linked to workers' health.
Commutes longer than 30 minutes and costs associated with travel time and congestion are a key deterrent for many workers and therefore a barrier in reaching full economic capacity in a city. Family worker households require jobs close to care facilities such as childcare, which may lead to parents selecting jobs locally rather than in city centres where they may be most productive, therefore hindering their workforce participation.	Economic success relies on access to a diverse workforce. Low-income workers, key public and justice workers (nurses, care workers, police) and 24-hour industries are generally unable to find housing in city centres due to cost.	Poor quality homes with insufficient heating and cooling have significant effects on worker health, leading to higher rates of absenteeism.

Table 2. Add table caption here

The role of government in the provision of affordable housing

There is a role for Government to leverage the planning system to ensure affordable homes are included in all new developments through the introduction of mandatory inclusionary zoning. Benefits of introducing mandatory inclusionary zoning include:

1. Increase in the number of affordable homes: Implementing mandatory inclusionary zoning nation-wide could result in the creation of up to 160,000 affordable homes in Brisbane, Sydney and Melbourne.⁸
2. Sustainable urban growth: mandatory inclusionary zoning leads to more diverse communities by providing low-income people, access to areas with employment and education opportunities, transport and amenities.
3. Long term growth of Community Housing Providers (CHPs): mandatory inclusionary zoning supports CHPs with a steady pipeline and boosts investments in the development of new affordable and social housing.

Previously, development controls, land use zones and the planning process have been considered the main barriers to the creation of new and diverse housing.. However, while residential developments applications continue to be submitted and approved, few homes are being commenced or completed.⁹ This can in the main be contributed to the costs associated with labour, and materials and the availability of financing.

Research published by AHURI in 2022 indicates that affordable housing will always require a subsidy from the government to improve access to market capital and delivery viability, and that the private sector should be an extension of support rather than an alternative option for providing affordable housing.¹⁰ Research by the University of Sydney also identified the need for Government intervention to improve the supply of affordable

8 The Constellation Project. (2021) Establishing a National Framework for Mandatory Inclusionary Zoning, available at https://theconstellationproject.com.au/wp-content/uploads/2021/09/Mandatory_Inclusionary_Zoning-Final.pdf.

9 Quinn, S. (2022, October 13) Stimulating private sector development of affordable housing, *The University of Sydney*, available at <https://www.sydney.edu.au/news-opinion/news/2022/10/13/stimulating-private-sector-development-of-affordable-housing.html>.

10 AHURI. (2022) Final Report No. 388: Private sector involvement in social and affordable housing, available at <https://www.ahuri.edu.au/sites/default/files/documents/2022-09/AHURI-Final-Report-388-Private-sector-involvement-in-social-and-affordable-housing.pdf>.

homes by supporting developers with access to land or facilitating partnerships with private providers.¹¹

Government can also play a crucial role creating certainty for the private sector to invest in social and affordable housing.⁸ The lack of continuous leadership and constant policy reform undermines opportunities of expanding affordable housing creating unstable investment conditions. Certainty and consistency from government is required for the success of housing reforms.

While previous attempts to implement inclusionary zoning has seen little progress and uptake by state governments, suggestions have been made that financial incentives from the Commonwealth Government may encourage the uptake. Furthermore, a commitment to match-fund the value of affordable homes for initial few years may embed the mechanism into the development process.¹²

The introduction of inclusionary zoning must consider substantial lead time and accommodate developers' need for certainty surrounding inclusionary zoning mechanisms including potential incentives so that developers are able to effectively offset the costs of delivering affordable housing.

Inclusionary zoning – the developers perspective

AHURI research illustrates a general acceptance within the development industry that there is a need for a mandatory inclusionary zoning mechanism.¹³ This recognition comes as a result of a need for a "level playing field" to be established in the social and affordable housing space, and so that developers can consider related costs in modelling. Further, a number of conditions surrounding an inclusionary zoning mechanism must be considered to ensure that the development industry is on-side, including:

- > Phased implementation in order to not compromise ongoing projects,
- > Consideration of development scale, financial risk, uncertainty and impact on bottom-line, and
- > Continuity and security for market and investor confidence.

11 Quinn, S. (2023, June 1) Why building more won't make houses affordable, *The University of Sydney*, available at <https://www.sydney.edu.au/news-opinion/news/2023/06/01/why-building-more-will-not-make-houses-affordable.html>.

12 City Futures Research Centre, UNSW. (2022) Submission to the Productivity Commission National Housing & Homelessness Agreement Review Issues Paper, available at https://www.pc.gov.au/_data/assets/pdf_file/0006/338262/sub087-housing-homelessness.pdf.

13 AHURI. (2022) Final Report No. 388: Private sector involvement in social and affordable housing, available at <https://www.ahuri.edu.au/sites/default/files/documents/2022-09/AHURI-Final-Report-388-Private-sector-involvement-in-social-and-affordable-housing.pdf>, p. 3.



Figure 2. Photo by Dean Bennett on Unsplash.



Case Studies

While the uptake of inclusionary zoning is slow in most Australian states, South Australia and NSW have utilised it in specific areas or urban renewal sites. Global examples of the implementation of inclusionary zoning also include Copenhagen and London.

South Australia, Australia

The 2005 Housing Plan for South Australia (SA) introduced a 15% affordable housing mandate in all “significant development projects,” initially applying only to government land releases, but now applying to all renewal sites.¹

The SA Housing Authority currently defines affordable housing as “accommodation where a low- or moderate-income household pays no more than 30% of their annual income to rent or buy.”²

Under the SA Planning and Design Code:³ In locations where development comprises 20 or more dwellings, or residential allotments, a minimum of 15% of affordable housing is required, except where:

- a. it can be demonstrated that any shortfall in affordable housing has been provided in a previous stage of development or
- b. it can be demonstrated that any shortfall in affordable housing will be accommodated in a subsequent stage or stages of development.

To support the provision of affordable housing, the code provides a number of incentives, including:

- > the minimum site area specified for a dwelling can be reduced by up to 20%, or the maximum density per hectare increased by up to 20% where it is to be used to accommodate affordable housing
- > maximum building height specified in any relevant zone policy can be increased by 1 building level in a number of zones as specified, and up to 30% in any other zone not specified in DPF 3.2 of the code.

“This overlay is to be applied to ‘neighbourhood’ zones or zones which envisage residential development where affordable housing is anticipated, or where rezoning anticipates an increase in housing diversity or urban growth.”⁴

Whether the overlay applies or not in a zone is detailed in the code. The government has released an affordable housing developer toolkit to allow developers to undertake feasibility assessment more easily⁵

- 1 AHURI. (2017) Understanding Inclusionary zoning, available at <https://www.ahuri.edu.au/analysis/brief/understanding-inclusionary-zoning>.
- 2 Government of South Australia. (2023a) Affordable Housing, available at <https://www.housing.sa.gov.au/affordable-housing>
- 3 PlanSA. (2023) Browse the Planning & Design Code, available at https://code.plan.sa.gov.au/home/browse_the_planning_and_design_code?code=browse.
- 4 PlanSA. (2022) Guide to the Planning and Design Code, available at https://plan.sa.gov.au/_data/assets/pdf_file/0010/799939/Guide_to_the_Planning_and_Design_Code.pdf.
- 5 Government of South Australia. (2023b) Affordable Housing Developer Toolkit, available at <https://www.housing.sa.gov.au/documents/affordable-housing/Affordable-Housing-Developer-Toolkit.pdf>.

Implementation and Outcomes

The policy has had more success when applied to government-owned infill sites.⁶ The nature of these sites has meant that the requirement for affordable housing development has been enforced.

However, when the mandate was extended from only government sites to include private land, the wording of “should” in the planning code has resulted in inconsistent application between zones and local government areas, with developers contesting the requirement to deliver affordable housing due to the ambiguous wording. This has also seen developers commit to delivering affordable housing which does not ultimately eventuate in the final product.

To 2016, the inclusionary zoning program delivered 5,485 total affordable dwellings, across home ownership and rental models (63% was delivered on government land).⁷ Out of all new developments over the same time frame, 17% of them were delivered as affordable housing. Renewal SA remarked that the program has overall been beneficial to the state, which was found to have relatively high support across the development industry. Mandatory inclusionary zoning in South Australia has been seen to ‘level the playing field’ and make development feasibility processes more straightforward, as opposed to voluntary mechanisms.⁸

However, AHURI states that “it is unclear whether incentive policies to support voluntary affordable housing beyond overlay areas have delivered any additional affordable supply.”⁷ Relatively weak market conditions in South Australia have resulted in some affordable apartments not being taken up in appropriate timeframes, and a high presale requirement which means households have to wait a long time to move into new developments. Government incentives which provide density bonuses enable these developments to become more feasible.

New South Wales (City of Sydney), Australia

NSW inclusionary zoning is primarily voluntary, with limited mandatory zoning options applicable to a number of specific local government areas.

The City of Sydney currently has a mandated affordable housing scheme for the Ultimo-Pyrmont area. The scheme mandates that social housing is provided at a rate of 0.8 per cent of total development floorspace, while a contribution applies to 1.1% of non-residential development floorspace.⁸ A similar program has been run in the Green Square urban renewal precinct. To 2021, 900 social housing units have been delivered under this mechanism. This has been in the form of either affordable housing within the relevant development, or a contribution towards an affordable housing levy.

6 AHURI. (2018) Final Report No. 297: Supporting affordable housing supply: inclusionary planning in new communities and renewing communities, available at https://www.ahuri.edu.au/sites/default/files/migration/documents/AHURI_Final_Report_No297_Supporting_affordable_housing_supply_inclusionary_planning_in_new_and_renewing_communities.pdf.

7 AHURI (2023). What is Inclusionary zoning, and how does it help deliver affordable housing, available at <https://www.ahuri.edu.au/analysis/brief/what-inclusionary-zoning-and-how-does-it-help-deliver-affordable-housing>.

Nordhavn, Copenhagen

Neoliberal housing policies and the vacation of direct government interventions in Europe has caused a decline in affordable housing development and an increase in privatisation since the 1970s.⁸ Historically, inclusionary zoning reforms have been prone to criticisms which argue that they further neoliberal planning ideals by reimbursing developers with capital for creating affordable housing, as opposed to providing holistic solutions.

Introducing reforms for low-income and younger residents

In 2015, the Copenhagen municipality introduced inclusionary zoning regulations for affordable housing provision in its harbour areas, where low-income and younger residents were more likely to experience housing stress. As of 2019, the zoning plan reserves 20% of land for affordable housing development.

The Danish government allocates funding for social and affordable housing development through Landsbyggefonden (the National Building Fund), which co-funds social housing projects, infrastructure and rent subsidies to enable development.⁹ The socialised state of the fund means that loans and housing operations are less impacted by market conditions. Low or no interest loans are common mechanisms to support housing delivery under the fund.

Greater London, United Kingdom

Between 2005 – 2008, the local authorities in Greater London were obliged to extend affordable housing requirements from housing projects of 15 or more units, to those with 10-14 units. Analysis of “Inclusionary Housing” controls in London post-2008 showed that the number of developments which met the minimum threshold to require affordable housing (10 units) decreased significantly, with developers adapting to avoid being bound by new inclusionary housing requirements.¹⁰ While this led to a shift towards building new developments under the unregulated market segment (developments with 9 or less units), the studies found there was no reduction in total dwelling delivery numbers as the decrease in 10-14 unit homes was offset by the significant increase of the smaller developments.¹¹

The findings suggest that cities looking to implement something similar, should seek to understand the broader market context, consider alternatives that developers may use to avoid requirements and the implications these alternatives may have on the intended outcome.

8 Turk, S. (2021) Affordable housing production for low income groups by land use zoning plans in harbor areas of Copenhagen. *Urban, Planning and Transport Research*, 9(1), 233-256. DOI: 10.1080/21650020.2021.1914150.

9 Pinto, E. (2022, August 31) Housing for Everyone, the Danish Way, *Spur*, available at <https://www.spur.org/news/2022-08-31/housing-for-everyone-the-danish-way>.

10 Li, F & Guo, Z. (2022), How Does an Expansion of Mandatory Inclusionary Housing Affect Housing Supply? *Journal of the American Planning Association*, 88(1), 83-96. DOI: 10.1080/01944363.2021.192853.

11 McGlinchey, M. (2022, February 17) Examining the Impact of London's Mandatory Inclusionary Housing, *American Planning Association*, available at <https://www.planning.org/blog/9229188/examining-the-impact-of-londons-mandatory-inclusionary-housing/>.

Briefing notes

Considerations

Inclusionary zoning is a government-driven tool which can be applied to planning legislation to create additional development capacity and increase provision of social and affordable housing

Social and affordable housing provides numerous benefits to the community, including enabling key workers to live near their place of work, increasing local workforce diversity, and creating homes that are more conducive of improving general health outcomes

The government has a responsibility to deliver social and affordable housing, foster sustainable urban development and work with housing providers to build and manage new housing stock

Government incentives, subsidies and other interventions are required for social and affordable housing development to keep pace with demand due to lack of private sector delivery.

Inclusionary zoning mechanisms typically manifest as either a voluntary or mandatory zoning scheme

While voluntary inclusionary zoning has experienced mixed results in terms of delivering additional social and affordable housing stock, mandatory schemes must be designed to ensure that government and developers are able to collaborate and deliver new stock efficiently

The Australian development industry generally supports the implementation of a mandatory inclusionary zoning scheme, as long as it provides equitable market conditions and does not negatively impact financial. A number of domestic and international case studies prove that while inclusionary zoning can be effective the way in which it is implemented must ensure that the intended outcome is reflective of policy and statutory conditions.

Recommendations

These recommendations will build upon existing work undertaken by AHURI, UNSW and other agencies, to inform and further advance Inclusionary Zoning developments in NSW and Australia more broadly.

Activity	Potential collaborators
1 Develop an understanding of how much market, social and affordable housing is needed based on tenant needs and create subsequent targets to be integrated into considerations of planning control changes. Directly link targets to zoning controls.	• Cities Institute • NSW DPE • LAHC • AHURI • Community Housing Providers (CHPs) • Local Councils • NSW Department of Communities & Justice
2 Use inclusionary zoning as a tool to achieve explicit housing targets through value capturing changes in planning controls proportionate to the size and scale of the transformation.	• NSW DPE • Councils
3 Undertake a body of work which seeks to understand and quantify the positive socioeconomic impacts of providing key worker housing in appropriate locations, including beneficiary cohorts.	• AHURI • UNSW • NSW Treasury
4 Use social and affordable housing targets to examine community housing provider delivery models and identify improvements needed to meet these targets.	• NSW DPE • LAHC • CHPs
5 Undertake research to understand how the scale of subsidy required to enable social and affordable housing will increase and evolve over the next decade using sensitivity and scenario analysis, in relation to demographic and economic changes.	• NSW DPE • ABS • NSW Treasury • AHURI • UNSW
6 Investigate and create mechanisms which allow government, developers, and community housing providers to work together.	• NSW DPE • Developer peak bodies • LAHC • CHPs • Property NSW
7 Develop tools and standardised contracts to improve efficiency and reduce administrative costs.	• NSW DPE • NSW Treasury • CHPs
8 Invest in policy design and change management throughout the lifetime of a policy to ensure its intended outcomes are actualised.	• NSW DPE • AHURI • UNSW
9 Develop additional planning controls or an ambitious efficiency dividend to deliver a surplus to the private sector. This will create head room and enable the market to deliver social and affordable housing.	• NSW DPE • Developer peak bodies • NSW Treasury • AHURI • UNSW
10 Investigate potential ways to scale planning thresholds and requirements for inclusionary zoning based on development size and the extent of planning control increases.	• NSW DPE • AHURI • UNSW
11 Implement a staged mandatory inclusionary zoning approach to create certainty and allow the market to adjust to changing circumstances. Explore implementing the scheme as voluntary to begin with in a transitional approach.	• NSW DPE • Developer peak bodies • CHPs • LAHC

Conclusion

The opportunity for affordable housing

Inclusionary zoning, when implemented effectively, has the ability to improve the provision of social and affordable housing. Though voluntary inclusionary zoning schemes have seen mixed results, the case studies analysed show that some form of government intervention has historically been needed to drive increased provision of social and affordable housing.

Mandated inclusionary zoning is a potential mechanism to improve social and affordable housing provision, providing more consistency and certainty compared to voluntary schemes. However, the implementation of a mandatory scheme must consider the impact on market viability, implementation in the absence of this may reduce overall housing supply and further impact housing affordability.

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Collaborate with us

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